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MARINE CORPS ETHICS:  
IS IT TIME FOR CODIFICATION?

A thesis presented to the faculty of the U.S. Army  
Command and General Staff College in partial  
fulfillment of the requirements for the  
degree

MASTER OF MILITARY ART AND SCIENCE

by

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B.A., Ohio State University, Columbus, Ohio, 1978

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## ABSTRACT

MARINE CORPS ETHICS: IS IT TIME FOR CODIFICATION? by  
Maj Douglas E. Schumick, USMC, 143 pages.

This study investigates the codification of ethics within the United States Marine Corps. The study analyzes the advantages and disadvantages of codification. It also presents a comparative analysis between several proposed codes and historic sources of ethical guidance used by the Marine Corps.

The study concludes that, although an admirable goal, because of the disadvantages and inherent difficulties associated with codification, the Marine Corps should not publish a written code of ethics. But perhaps more important than the aforementioned, the Marine Corps' historic sources of ethical guidance are a more comprehensive and appropriate body of ethical guidance than any attempt at codification is likely to be.

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CHAPTER ONE  
INTRODUCTION

BACKGROUND. Ethics in the United States Marine Corps should be an important part of every Marine leader's life. Marine leaders are charged with the physical, mental, and moral welfare of those under their charge. This is a large responsibility, one which requires a constant balancing of loyalty both up and down the chain of command. Often the leadership is faced with competing moral demands. They are called upon to weigh mission accomplishment against the welfare of their Marines and the moral ramifications that mission accomplishment may entail.

Competing moral demands occur during peace, as well as war. In peacetime, it is not uncommon for the leadership to be faced with dilemmas. These dilemmas can range the gamut from falsifying reports to ignoring minor transgressions by juniors or, even more difficult, by seniors. Consider this example. On Friday afternoon, a commander directs that all motor transport assets will be run as combat ready on Monday morning's status report to higher headquarters. The commander knows there is no possible way that the report will be accurate but tells his subordinate to make it happen. The subordinate faces a

difficult dilemma. If the subordinate executes the order he will be participating in fraud. If he seeks relief, he is sure to do so at some personal risk. If he does his level best to obtain 100% readiness, he will do so at the expense of his Marines' working long hours, on short notice, over the weekend, and whose efforts will only marginally improve readiness. No lives are at stake, national security will not suffer, but there is a matter of balance among mission accomplishment, the two leaders' moral welfare, and unit morale which the leader and his subordinate must address.

In time of war the balance becomes more difficult by tenfold. Consider this scenario. The commander directs a subordinate to attack an objective as a supporting attack to assist the main effort. As the leader of the supporting attack, the subordinate is not given all the means he feels are necessary to minimize casualties within his unit. His dilemma is: how to go about accomplishing his mission and at the same time protect his unit. He can conduct a half-hearted attack, sparing his unit high casualties but perhaps causing the ultimate failure of the commander's mission. He can attack with all vigor knowing he lacks sufficient assets and suffer high casualties but, in the process, contributes to the commander's ultimate success.

These are only two of a myriad of dilemmas faced by military leaders everyday. Volumes have been written about such dilemmas in various leadership literature. Very junior

indeed is the officer or enlisted leader who has not experienced such a dilemma at some point in the course of their service. What, as Marine Corps leaders, prepares them for these dilemmas? What training does the Marine Corps offer to leaders to prepare them for the pressure cooker of leadership and its competing moral demands?

Many will argue there can be no preparation or training that significantly enables the Marine leader to cope with these moral dilemmas. Further, it may be argued that there can be no preparation or training sufficient to cover what is certain to be an endless list of moral dilemmas which a Marine leader could be faced with. Rather than a system which relies on hit and miss or uneven training, some argue what is needed is a written code of ethics to act as a constant guide for Marines.

This is not a new or novel idea. There has been talk of such a code off and on for virtually as long as there has been a Marine Corps. Most recently the Assistant Commandant of the Marine Corps, General Walter E. Boomer, made a call for the establishment of a written code of ethics. Writing in the October 1992 issue of the Marine Corps Gazette, Boomer stated, "We need a code of ethics to guide us in carrying out our duties and our personal lives."<sup>1</sup> Those who argue for such a code believe a code can act as a standard for young officers and new recruits who, through a recent decline in moral standards in society, have

grown up without the common moral underpinning which our society reflected not so many years ago. As Boomer writes,

Sometimes, it seems that our nation is losing a grip on the strong unwritten code of ethics that was the underpinning of our forefathers. . . . The strong familial and religious underpinning of yesterday has eroded, producing some cracks in our moral foundation.<sup>2</sup>

SCOPE. The scope of this research will include the study of writings on the subject of the codification of ethics for the military. The study of codification is crucial to answering the question whether or not the Marine Corps should adopt a written code of ethics, which is the fundamental purpose of the research. Further, research will identify some of the strengths and weaknesses of establishing a written code of ethics. It will also identify various forms which such a code might take and the strengths and weaknesses of each form.

Additionally, it will be necessary to study what has changed to make the Marine Corps believe that after 217 years the Corps should adopt a written code of ethics. Since 1775 the Corps has done very well without such a code. What event or events have occurred to cause the Assistant Commandant to call for a written code of ethics at this time? Identifying these events may prove to be a difficult task. While there may be specific incidents, such as Tailhook, or the Moscow Embassy incident, the real reason may be no more than a perception or feeling that things have

deteriorated to a point that adopting a written code seems appropriate at this time.

Finally, identifying how the Marine Corps has maintained and excelled until today without a written code is important. Identifying what in its training and preparation has enabled the Corps' leadership to excel for 217 years is vital. A key to the research is to discover what ethical training, principles, and ideals have led the Marine Corps to where it is today.

IMPORTANCE. The very fact the Assistant Commandant of the Marine Corps has addressed this topic in his Gazette article makes codification an important one for Marines. The effects that a written code of ethics will have on the Marine Corps are likely to be far-reaching and permanent.

Would creating such a code be a project of great importance? The form such a code might take could vary widely. A code could be expressed as tests for moral behavior. The code might be expressed as broad, general, descriptive guides. It might be expressed as a detailed prescriptive list. If a code is adopted, the form that the code takes will be widely discussed, and the leadership will wrestle with how the code will be applied.

A written code of ethics will be something that is entirely new to the Marine Corps and to an extent will be controversial. How the code is developed, what it will include, what form it takes, and how it is applied are all

important issues with far-reaching implications for the future of the Marine Corps.

PRIMARY QUESTION. Should the United States Marine Corps adopt a written code of ethics?

SECONDARY QUESTIONS

What are the advantages of adopting a written code of ethics?

What are the disadvantages of adopting a written code of ethics?

What forms might the written code take?

Is a single code sufficient to capture all of the ideals that need to be addressed?

What are the advantages and disadvantages of each form?

Who should the code be applied to, officers only or the entire Corps?

Who should develop the code, civilians or military people?

Should the code have sanctions?

What has enabled the Marine Corps to excel for the last 217 years when there was no written code?

ASSUMPTIONS

There has been a decline in the moral underpinnings of society.

The moral decline has been reflected proportionately in the military.

One expression of the moral decline is a rise in the phenomenon of moral and cultural relativism.

DEFINITIONS. The most important term that requires defining is relativism. Relativism may take two forms, moral and cultural. Relativism is a term used to describe things which are not universally accepted but rather are accepted within a specific group. Moral relativism has to do specifically with matters of morals and ethics. Major John E. Shepard Jr., for example, characterizes moral relativism as "Ollieism" when he discusses several historical cases where the lack of an ethical command climate caused powerful leaders great difficulties. In each case there was a feeling that the group responsible for certain transgressions was immune from legal sanctions because they were different and their group permitted actions otherwise condemned by society.<sup>3</sup> Other noted writers explain the phenomenon of relativism differently. Neal Gabler defines moral relativism as "any behavior is all right, as long as there is some culture or subculture that permits it."<sup>4</sup> James Narel reinforces the point:

The view that all moral systems are ultimately subjective is called relativism. The cliche "It's all relative," when used thoughtfully in a discussion on values, means that the speaker rejects the notion that there is some objective "ground" for morality.<sup>5</sup>

Cultural relativism is a form of relativism which deals specifically with differing cultural backgrounds. This form of relativism can deal with the appreciation of different foods, music, art, and religion. The problem today is that many are confusing cultural relativism with moral relativism. While the acceptance of culture relativism leads to a diverse and colorful society and most often benefits society, moral relativism most often leads to decay.

Chapter two reviews the literature that addresses the codification of ethics. Part I will deal with a number of ancillary issues to the codification of ethics. Part II of the literature review will look at eight separate approaches that might be applied to the problem of codifying ethics. The final part of the literature review will examine the historic sources of ethical guidance which have provided ethical guidance to the Marine Corps to date.

Chapter three will begin with a brief recap of the literature and authors presented in chapter two. Next, this chapter will explain the methodology by which the information in chapter two will be analyzed in order to arrive at conclusions and recommendations. Additionally, this chapter will identify some of the strengths and weaknesses associated with the chosen methodology.

Chapter four will be the analysis of the information provided in the literature review. This chapter will

discuss the relative advantages and disadvantages of the codification of ethics. This chapter will also answer the secondary questions presented in chapter one. The final portion of chapter four will present a comparative analysis of parts two and three of the literature review.

Chapter five will provide the answer to the primary research question posed in chapter one. This conclusion will be arrived at by the weighing the advantages against the disadvantages and the results of the comparative analysis done in chapter four. Chapter five will also contain any recommendations that might be made in light of the research conducted. Finally, chapter five will recommend topics for further research.

## CHAPTER TWO

### REVIEW OF THE LITERATURE

The literature dealing with codification of ethics will be reviewed in three sections: issues ancillary to codification, various proposed codes, and historic sources of ethical guidance.

#### PART I. ANCILLARY ISSUES TO CODIFICATION

Literature under this section does not address codification per se. The literature below does, however, provide some insight into issues that either support the formation of a code or address how a code might be cobbled together. What follows are the ideas of several noted experts in the field of military ethics as they might apply to the codification of ethics.

Manuel M. Davenport defines professionals as, among other things, people who "state and enforce a code ethical responsibility."<sup>1</sup> While Davenport does not specifically argue for a written code of conduct, his idea is valuable in that it establishes another line of argument for requiring a code. That argument for requiring a code is simply to meet the definition for the military to be recognized as a profession. Most Marines would categorize themselves as

professionals. This begs the question: Is a code an absolute requirement to be identified as a professional belonging to a legitimate profession? Davenport says no. He cites historical recognition as sufficient proof that the military is in fact a profession. Since the eighth century, Western civilization, and since 2500 B.C. Asian societies, have recognized the special calling of military forces. The key to professionalism, according to Davenport, is a sense of special calling.<sup>2</sup>

A more detailed discussion of the concept of profession as it applies to the military is found in Samuel P. Huntington's article "Officership as a Profession." As the title might lead one to believe, Huntington believes only the officer corps is qualified to claim the title of professional. Huntington identifies three concepts which qualify an activity to be designated a profession: expertise, responsibility and corporateness. The key to this equation, in Huntington's opinion, is that the officer is called upon to manage the violence associated with combat. This quality sets the military officer apart from any civilian counterpart. The management of violence is the expertise which makes officership a profession.<sup>3</sup>

Huntington comes down hard on the side of military officers as professionals. However, he excludes enlisted members on the grounds that their educational levels limit their expertise. If you take Huntington's concept to the

next logical step, perhaps he would argue that any written code should apply only to officers.

Kenneth H. Wenker defines institutional practices. He divides institutional practices into practices of action and practices of concept. Institutional practices of action are the way the institution does things. Institutional practices of concept are the way the institution thinks about things.<sup>4</sup> He obviously places some responsibility on the institution to provide an environment where ethical actions are taken because that is the institution's conceptual way of doing business.

This is an important concept because a written code of ethics could be an important step toward Marines reaching Wenker's idea of institutional practices of concept. Wenker could argue effectively, the first step in changing the way Marines do things is to change the way they think about things. A written code of ethics might be the first step in the process of changing the way Marines think.

James Glover discusses the role of conscience in making moral decisions. He also discusses the ingredients of moral pressure which he defines as "this very conflict between what may seem necessary and yet is in itself wrongful that highlights the moral pressure to which a soldier is exposed."<sup>5</sup>

Glover also discusses some of the techniques which help fighting forces cleanse their conscience. Among these

are a unit's leadership, which sanctions violent acts as a matter of survival, unit loyalty, and the fact there are others engaging in the same activity. The concern here is that a combatant's conscience becomes so numb to the violence and so ingrained into groupthink that he is unable to discern the moral from the immoral, which has become the norm.

Glover's ideas are important to note because a written code may offer a tool with a dual purpose. On the one hand, a code could have the effect of arousing the Marine's conscience to clear lines that he dare not cross. On the other hand, the code could be used as a legitimate tool for Marines to cleanse their conscience after engaging in a proper battle, albeit onerous on the conscience.

James L. Narel defines relativism and egotism. He explains why people who claim to subscribe to relativism or egotism would fail to make good soldiers or Marines. Narel states quite bluntly, "It is difficult to imagine a thoroughgoing relativist as a dedicated military professional."<sup>6</sup> Narel's thoughts are important to this research because relativism is at the heart of General Boomer's call for a written code of ethics. If, as Narel believes, true relativists would not chose to join or continue a career in the military profession, then Boomer's primary argument for establishing a code becomes moot.

## PART II. PROPOSED CODES OF ETHICS

This section contains the synopses of eight proposals for the codification of ethics by ethics and military experts. Each proposal is significantly different from the others. Each will offer a unique approach to the formation a written code of ethics for the military.

Michael Walzer addresses the idea that loyalties are required of an officer both up and down the chain of command. He explores, at some depth, the place of civilians in the hierarchy of responsibility during war. He identifies a hierachial chain that places the civilian population at the bottom of military responsibility.

While writing chiefly of the military's responsibility to protect civilians, he offers a rather straightforward test to determine whether a leader's actions are moral or not. Walzer would believe a Marine leader pursuing his mission with all means at his disposal, while at the same time taking care to seek victory with the loss of the fewest Marines possible, has met his moral obligation both up and down the hierachial chain.' This simple test could act as the basis for a written code for the Marine Corps.

Clay T. Buckingham helps to identify some problems faced by senior officers dealing with morality and the perception of morality. He identifies a whole host of situations which a written code of ethics might help to

remedy. Buckingham's thoughts can be used as a basis for forming some tenets which might be included in a written code of ethics. Buckingham summarizes his tenets into three questions. Does the military action contribute to the national defense? Does the action protect and enhance human life? Are both the ends and means involved in the action consistent with national values?<sup>8</sup>

The Marine Corps can use these questions posed by Buckingham as the basis for forming a code. A code of this nature would be expressed as a series of tests posed by the questions. By failing one of tests a Marine could consider the contemplated action as immoral or at least suspect its credibility.

One of the more comprehensive works on the subject of adopting a military code of ethics is contributed by Richard A. Gabriel, a professor of politics and former Army intelligence officer. Chapter five of his book entitled To Serve With Honor, deals exclusively with the subject of why the military should adopt a code of ethics. His chapter addresses five areas concerning adoption a code of ethics for the military.

The first part of the chapter looks at some of the advantages for the military in adopting a written code of ethics. Gabriel defines four advantages of adopting a written code of ethics. First, he explains a written code could be the foundation for a special trust and confidence

between the civilian society and the military establishment. A written code would offer to the civilian society clear and convincing evidence of the ethical and moral positions which the Marine Corps values. While a written code offers no assurance every member of the organization will follow the code, codification offers a standard by which the Marine Corps could be judged and held accountable.<sup>9</sup>

Next, Gabriel contends a written code of ethics will serve as a tool by which new members of the military can be assimilated into the organization. A written code would offer definite guidance to new recruits in the area of making ethical decisions. Today, Marine recruits have no document which concisely states what is expected of them ethically. Instead, they are expected to gain a sense of ethical behavior through experience. A written code of ethics would help to inculcate new recruits into the Corps more quickly and effectively.<sup>10</sup>

Third, Gabriel believes, a code would ease tension between the military and its civilian overseer. Civilians tend to take the sacrifices of military life for granted. The code will help the civilian overseer to appreciate the special requirements of Marine Corps service. Through better understanding, the civilian leadership will have greater respect for the Corps' way of life and the character necessary to a different and difficult life-style.<sup>11</sup>

In this final argument, Gabriel takes a preemptive approach by addressing the benefit of recruiting personnel who already have some idea of what will be expected once their service begins. By advertising what is expected of new members and having it clearly displayed, the Marine Corps will attract those who already have the sense of dedication and sacrifice required for service with the Marine Corps.<sup>12</sup>

The advantages explored, Gabriel goes on to look at some of the objections to a written code. Gabriel identifies nine objections to a written code and then refutes each of the objections. In this section Gabriel sounds several themes on numerous occasions.

First, codes cannot stand alone. Codes will need to be incorporated into an institution's way of thinking and vigorously taught to their members. Second, the mere existence of a code does not relieve the military member of the responsibility to act ethically. The code will not be the sum of a Marine's responsibility. Third, often ethical precepts will conflict. When they do, it will be the ethical training and the willingness to act ethically which will lead the military member to a proper judgment. Finally, a code does not guarantee ethical behavior. However, failure to act ethically is not an indictment of the codification of ethics. Rather the striving to meet the standard will make better Marines.<sup>13</sup>

In the third portion of Gabriel's chapter on ethical codes, he addresses ethics and the service academies. In this section he explains why the service academies' honor codes are poor examples of how codes should be applied. According to Gabriel the code, "that no cadet will lie, cheat, or steal, nor tolerate anyone who does, offers no real help to a soldier in search of moral guidance."<sup>14</sup> He states a code of this nature "confuses character traits with ethics."<sup>15</sup> A second objection Gabriel finds with the cadet honor code is that the code serves little purpose outside the academies. Gabriel notes that outside the Military Academy the norms of behavior bear little resemblance to those of the academy. The real Army does not expect the provisions of the honor code to apply. So by convention, the honor code become a moot point at graduation.<sup>16</sup>

The final objection Gabriel raises concerning the honor code is that it teaches descriptive ethics rather than prescriptive ethics. Gabriel claims such general precepts provide little guidance to the military in general. Further, he claims these general precepts are impossible to inculcate. Gabriel would argue for a more detailed and prescriptive explanation of what is expected from a cadet. A more prescriptive code provides a more clear guideline of what is expected, which is the purpose of the code in the first place.<sup>17</sup>

For Gabriel, the overriding concern with the will not lie, cheat, or steal approach is its descriptive nature. He advocates a much more prescriptive approach to a written code of ethics. By expressing their code as several well defined tenets the Marine Corps could better teach their members exactly what is expected of them.

The final section of Gabriel's chapter on codes of ethics is titled "A Code of Military Ethics." (See appendix A.) This section begins with two warnings. First, Gabriel tells the reader an institution must instill a sense of community ethics to develop professional support for ethical decisions. Second, he echoes an earlier point. A written code of ethics cannot be expected to stand alone.<sup>18</sup> The code is only one part of a total package necessary to have the desired effect on the conduct of Marines.

These warnings issued, he outlines the purpose for the code he presents. In Gabriel's opinion, the purpose of a written code of ethics is threefold. First, a code develops and sustains values, habits, and practices of a special community. Second, the code defines members who subscribe to it in terms of values and responsibilities. Finally, to those who join a special community and subscribe to the community's code of behavior, the code will offer a sense of belonging to the organization.<sup>19</sup>

The warnings issued and the purpose defined, Gabriel lists ten tenets which comprise his proposed code of ethics.

He then lists the tenets separately and offers a short interpretation of each. With the code spelled out in entirety in appendix A, only four points will be addressed here. Gabriel's tenets emphasize the moral responsibility which command entails. In some fashion, his first and fourth tenets, as well as tenets seven through ten, strike at the concept of the moral responsibility of command. As the defining characteristic of the art of conflict, Gabriel believes it is necessary to identify command as a "moral charge" rather than just "another ticket to be punched."<sup>20</sup>

Tenet number four raises a controversial issue. Gabriel would have Marine leaders believe the welfare of their Marines should take precedence over mission accomplishment. This would pose a new and radical way of thinking for most Marine leaders. While placing the men before mission, Gabriel does not believe commanders and their men should not be prepared to carry out their missions. He emphasizes, a commander's first loyalty to his men does not relieve him of the responsibility to prepare to carry out his mission.<sup>21</sup>

In support of the prescriptive code he offers, Gabriel feels for members of an organization to meet the standards of the organization is difficult unless the standards are written down. Gabriel's tenets would offer guidance to Marines with respect to their duty to carry out orders; their responsibility to be honest to superiors,

subordinates, and peers alike; the fair treatment of Marines who act ethically; and the need to establish a corporate conscience with regard to ethical behavior. Gabriel's tenets offer a good description of what a detailed prescriptive code might look like. Gabriel's code would be a good beginning for the Marine Corps if the Corps should decide to adopt this type of code.<sup>22</sup>

Another author who argues for a written code of ethics is General Maxwell D. Taylor. While General Taylor favors the adoption of written code of ethics, the very title of his article, "A Do-It-Yourself Professional Code for the Military," leads the reader to believe such a formalized code is not going to soon be adopted. As his title suggests, General Taylor offers an informal code to be used by officers in the absence of a formal code.

Rather than define specific tenets, as in Gabriel's work, General Taylor argues in favor of establishing an accepted standard of excellence. The standard would describe the ideal officer. The essence of the ideal officer, in Taylor's mind, is one who could accomplish all missions and, while doing so, get the greatest return on the resources available.<sup>23</sup>

The ideal officer described, the next step for General Taylor is to identify key traits that would identify such an officer. General Taylor identifies nine such characteristics. Taylor believes the ideal officer is:

1. Convinced of the importance of the military profession;
2. A warrior performing a primal function essential to the well-being of civilization;
3. A professional who derives great pride in serving a profession charged with the defense of his nation;
4. Struck with a profound feeling of vocation and pride of membership in the military profession;
5. Determined to succeed in his profession and to make the maximum contribution to its national role;
6. Continuously seeking self-improvement by preparing his mind and his body for the rigors of service;
7. Unforgiving in removing incompetence within the range of his authority;
8. A demanding disciplinarian;
9. A leader to inspire men in war in such a way that causes them to forget their discomfort, fear and fatigue.<sup>24</sup>

In sum, General Taylor identifies the following virtues which the ideal officer should posses,

Without priority in importance, . . . . justice, patriotism, reliability, integrity, sense of duty, self-discipline, human understanding, loyalty, strength of will, and inspirational power.<sup>25</sup>

General Taylor's most critical point is that the ideal officer need not be a puritan in the way he conducts his private life. General Taylor intends for his Do-It-Yourself code to apply to the military man only for the

purpose of executing his military duties. This is at odds with Boomer's call for a code to guide Marines in their duties as well as their personal lives.<sup>26</sup>

In contrast to Gabriel, Taylor defends the cadet honor code. He finds great utility in those who live by such a code and are trustworthy beyond reproach. Taylor offers a convincing argument favoring the inclusion of descriptive type codes in a written code of ethics. He explains how the truthful officer benefits the organization and how he ought to function.<sup>27</sup>

General Taylor states the truthful officer is not a careerist. Unreliable officers are detrimental to the success of the military mission. The truthful officer voices his opinions, even at the risk of being resented by his senior. But before offering to "set his superiors straight," General Taylor suggests the subordinate consider the following two questions,

- Am I sure that I know all the necessary and relevant facts?
- Am I sure that my superiors are not doing everything possible to correct the situation?<sup>28</sup>

While the junior officer has the responsibility to make his thoughts and suggestions known, he also has the responsibility to ensure he has done his homework. He must not assume his seniors are not trying to fix the problem. Only in cases where the answer to both questions stated above is "yes," should the junior take action.

These precepts might be of value when constructing a code. These two questions can provide a Marine with straightforward guidance of when to question or refuse orders.

Another dilemma which General Taylor addresses is the "ideal" officer's obligations to carry out lawful orders which he believes will be impossible or accomplished only at an extremely high cost. Here the ideal soldier is torn between the desire to obey orders and the disastrous effects the orders are likely to result in. General Taylor believes the ideal soldier should execute his orders except when the following conditions exist:

-He is sure that he understands the purpose of the order and the results desired by the issuing authority;

-He is equally sure that this authority does not understand the local situation and the disastrous consequences that would ensue from compliance;

-There is no time to appeal the order or a prior appeal has been rejected;

-He is disobeying on sound military grounds, not in compliance with the voice of a disapproving conscience, and is fully prepared to accept the legal and professional consequences;<sup>29</sup>

Like Gabriel, General Taylor agrees not every officer can have all the virtues of the "ideal officer" all of the time. But he maintains there is nothing wrong with holding the ideal out and having officers strive to reach the ideal.<sup>30</sup> Again, these guidelines can offer the Marine Corps a great deal of insight on how to construct a code.

The guidelines address tests or questions which must be answered in order to determine the morality of actions.

Who should construct the code is another issue tackled by General Taylor. Some would argue that the civil sector, much like a civilian police board, needs to be responsible for the code's form and construction. General Taylor suggests the military must be responsible for this task. According to Taylor, the military is the only organization with sufficient experience of the nature of war to construct a meaningful and realistic code.<sup>31</sup>

Although Taylor does not offer any list of tenets for how the code might be formed, he does offer another rather straightforward test that those constructing a code might consider. The long and short of Taylor's guidance is: that which works for mission success is good; that which mitigates against success is bad.<sup>32</sup>

In summary, General Taylor offers several useful points for anyone attempting to construct a written code of ethics. He argues that codes should apply only to military situations and not personal situations. Taylor offers tests for when orders may be questioned or refused. He would consider codification a wholly Marine Corps responsibility. Finally, he offers an acid test for any tenets which might be included in a written code.

Richard T. DeGeorge identifies three virtues from which he establishes six specific tenets. (See appendix B.)

First, DeGeorge identifies the purpose for the code he develops. DeGeorge believes by enacting a code, the military will develop ethical thought and make raising moral issues more acceptable within the military. Additionally, a written code of ethics for the military would send a strong signal to the general population that the military does take ethics seriously.<sup>33</sup>

His purpose stated, the author identifies the first of his virtues, peacefulness. By preferring peace over war, the author feels the military is fulfilling its primary mission of deterrence. Peacefulness means forces will not be used for aggression.<sup>34</sup>

Next, DeGeorge addresses restraint. The author realizes restraint probably does not seem to be compatible with typical military traits such as boldness and courage, but he believes restraint is a vital virtue for military officers. He justifies the inclusion of restraint by defining it as self-control. He sees restraint as being the essence of strength. Any weak man could give into his emotions by venting his frustration. Restraint requires a man of true strength in that he cannot simply vent his emotions. In sum, DeGeorge feels restraint is a trait that should set well with military leaders.<sup>35</sup>

Restraint as a military virtue is important because, as DeGeorge points out, society does not allow any other group to assemble the powerful weapons which are the

military's stock-in-trade. The nation's civil leadership can allow this monopoly only if the military demonstrates that it is capable of great restraint in the use of force. The power vested in the military can be unleashed only in cases that have been permitted by the people, not the whims of commanders. Further, restraint is an important military virtue because once in combat forces must operate within the rules and law of war.<sup>36</sup>

The last point the author makes is that restraint is a community responsibility. In essence, each Marine is responsible for the actions of his or her fellow Marines. In this sense, restraint is a corporate virtue. The corporate nature of restraint requires individual practice and ensuring one's comrades practice restraint as well.<sup>37</sup>

The final virtue identified by DeGeorge is obedience. The author recognizes obedience is an extremely complex issue for officers. Obedience becomes complex, especially for officers, because officers not only take orders but are required to give them as well. A second factor that complicates the issue is that these orders are executed and issued by moral beings. DeGeorge believes no one is permitted to do what is immoral, and officers are not only military men filling roles but also human beings. As such, they are responsible to do what is moral.<sup>38</sup>

DeGeorge believes there are two aspects to every command: The first involves obeying the order, the second

involves executing the command or performing the action directed in the command. Viewing obedience in these terms is important because, as the author says, "Actions are not made right or wrong by any individual's fiat or command."<sup>39</sup> This addresses the age-old military dilemma where the commander tells the subordinate "Just do it, I don't care how." Obedience is contingent upon orders being legitimate and originating from legitimate authority. A legitimate command is a moral command. The legitimate authority is recognized by DeGeorge to be specified by the table of organization. DeGeorge's ideas about obedience would allow neither an immoral command nor an immoral action.<sup>40</sup>

Continuing with obedience, DeGeorge identifies some ideas on the nature and responsibility of command. Commands given to officers tend to be of a broad and general manner such as, "Secure the road junction," or "Take the hill." In addition to the broad nature of the orders received by officers, the orders often go through several layers of command. Orders originating at the regimental level trickle down to the platoon commander. The point the author makes is that at each level, the commander is responsible not only for mission accomplishment but also how the mission is accomplished.<sup>41</sup>

Still dealing with obedience, DeGeorge looks at an officer's responsibility to share the risks of his commands. First, the author assumes the officers will, when issued an

order, use the most appropriate means to accomplish the mission. This assumption is necessary in order to believe the officer would not squander his men in a foolish way to achieve his mission.

DeGeorge cites six tenets which rise from the virtues outlined above, one tenet each for peacefulness and restraint, four tenets to deal with the more complicated virtue of obedience. DeGeorge ends by explaining seven advantages of adopting a written code of ethics. DeGeorge's advantages for establishing a code are synthesized below:

1. The very exercise of developing a code is in itself worthwhile;
2. Once adopted, the code will continue to generate discussion;
3. A code will help to inculcate new officers;
4. A code could serve as a document to support the refusal to execute immoral orders;
5. A code can be used to reevaluate the Uniform Code of Military Justice (UCMJ) and other codes;
6. A code can serve to demonstrate to civilians that the military appreciates the trust placed in it and has taken steps to justify that trust;
7. A code can be used by citizens as a touchstone against which to judge whether the military was living up to its obligations.<sup>12</sup>

DeGeorge's work offers insight into yet another method for how a code might be developed for the Marine Corps. DeGeorge's idea is to move from the general to the specific. While not all Marines will share DeGeorge's view of the general virtues which will give rise to the specific

tenets, his would seem to be a legitimate method to go about establishing a written code of ethics.

N. Fotion and G. Elfstrom take a unique view in their book Military Ethics. They advocate a series of codes. In addition, they recognize that no code or set of codes can stand alone. Chapter three of their book deals exclusively with the subject of written military codes. The first thing they do is define that there are generally two kinds of people when it comes to discussing codes of ethics within the military.<sup>43</sup>

The first they call skeptics. Skeptics are those who do not believe codes can effectively change behavior. The other group is referred to as idealist. Idealists are members who come to expect too much from codes. An idealist would expect that the mere adoption of a written code would of itself solve the moral problems within the military.<sup>44</sup>

Next, the authors define intuitive and critical levels of thinking. Intuitive thinking is the type of thinking that is used to raise children. Intuitive thinking deals with concrete rules that require little or no thought to implement. The authors place codes at the intuitive level of thinking. Codes are examples of ethical behavior which can be implemented in times of emergency when there is no time for deliberation.<sup>45</sup>

The critical level of thinking is that level which requires careful thought and judgment. Critical thinking

involves the careful evaluation between conflicting rules and principles. The critical level examines the intuitive level of thinking but not vice versa.<sup>46</sup>

Next, the authors take up the comparison of the military to other professions such as medicine, law, and education. The authors make even stronger cases for the military as a profession than the earlier articles by Davenport and Huntington. They point out that the military profession has more to do with life and death matters than education, law or even medicine. They explain decisions by military leaders deal with hundreds or even thousands of lives at one time. Further, the military leader deals with, what for the most part are, healthy people in the prime of life.<sup>47</sup>

Military codes also deal with the obedience of juniors to seniors as do medical codes but with a major difference. In the medical profession, the skilled professional is the one who does the surgery. In the military profession, the most skilled professionals are rarely those who carry out the orders. Rather, the task of execution is left to the least skilled, least professional of those in the organization. Aside from issuing the orders the military leader very seldom is involved in the killing.<sup>48</sup>

This odd situation gives rise to two problems. First from the perspective of the senior, he may become

remote from the activities of the battlefield. As such, this remoteness can cause difficulty for him in assessing what is actually happening on the battlefield.<sup>49</sup>

From the perspective of the junior, these are the least experienced and least professional among the ranks of the military. These young fighters being prepared for the responsibilities of war, at their age and with limited experience, is difficult to imagine. From these two perspectives, the authors conclude a written code has a special place. Codes must include both seniors making the decisions and juniors executing those decisions.<sup>50</sup>

The special stress our non-professional military people are put under is also examined by the authors. They feel it is unfair to place youngsters in positions of great danger and stress and expect them to intuitively know what is expected from them morally. They are of the opinion that the group is worse than the sum of the parts, that combatants will do things as a part of a group which they would not consider doing as individuals. This strikes at the theme of corporateness, that combatants need to be responsible for the actions of their comrades. Further, given the explosive, stressful situation under which our Marines serve, if codes can help to bring about restraint, the authors contend codes are needed more in the military than in other fields.<sup>51</sup>

The authors also look at institutions themselves and their ability to administer the codes they establish. They note that while some institutional discipline is present during training for lawyers and doctors, they become "Lone Rangers" after their internship. They note, these professionals work mostly on their own while remaining under the constraints of their permissive professional association.<sup>52</sup>

On the other hand, the military exercises much more control on military members than other associations. The military is a much more authoritarian organization than lawyers' or doctors' organizations. Substantial authority is seen as a great strength in the military's ability to implement a written code of ethics. Adherence to a written code in the Marine Corps would not be a matter of choice or part-time compliance, as in other professions. Given the greater problems (i.e., combat) the military must cope with, the authors feel the military's greater authority may balance out those problems.<sup>53</sup>

The unique aspect of Fotion and Elfstrom's view is that rather than advocating a single code, the authors propose there must be between three and five codes to adequately address military needs. While sensitive to the creation of too many codes, they strongly argue one code is insufficient to address all the aspects of military life.<sup>54</sup>

The authors identify four codes they feel would be useful for the military. The first they call the internal code. The internal code would be a peacetime code with its greatest application to juniors. The internal code would contain the basic rules which outline the essential associations between those in the military.<sup>55</sup> The utility of this code, as the authors see it, would be to ingrain good habits and traditions in the hope that what is learned in peacetime will carry over into times of war.

A second code, called a creedal code, would be used as a preamble to the other codes. The creedal code would have the most significance to the officer corps because the authors see this code being more general. The creedal code would be along the lines of duty, honor, country and would be descriptive tenets similar to those which Gabriel argued against or similar to the general virtues which DeGeorge used to give rise to his more specific tenets.<sup>56</sup>

The third code is called the fighting code. Primarily, the fighting code would address how the military should treat the enemy and all civilians. The authors note that this is the type of code which most people think of when military codes are discussed. According to the authors, during conflict there is the most potential for moral abuse.<sup>57</sup>

The final code is called a prisoner's code. The prisoner's code closely resembles the current Code of

Conduct that guides prisoners of war. The authors' prisoner code addresses surrender, escape and what information can be given to captors, in the same way that the Code of Conduct does.<sup>58</sup>

The authors do not suppose other codes might not be included. The issue is not whether there are three or five codes but rather that one code is not enough and ten or more are too many. Codes should be designed to speak to the various groups that are found in the military: officer, NCO, and enlisted. Some codes should be enforced through sanction and others should not.<sup>59</sup>

The various codes identified, the authors argue how the codes might be implemented. First, they do not expect the codes to stand alone. Merely promulgating four (plus or minus one) codes is not a substitute for the leadership and instruction necessary to bring about ethical behavior among military personnel. They warn, "The codes, as we have seen, are not just to be recited in some mindless manner but also to be explained."<sup>60</sup>

Interestingly, they argue the ethical codes must be related to larger issues of government, social studies, and civics. They would like to see ethics and civics taught by the officer corps. Instruction of this nature would encompass the education process the authors feel is essential to ensuring a thorough understanding of the codes they have proposed.<sup>61</sup>

In conclusion, the authors see their program being implemented in three stages. First, the various codes would be drilled into military personnel. Next, as time becomes available, the codes would be subject to critical thinking. Finally, ethics and civics would be taught to personnel in an undogmatic way that presents all sides fairly.<sup>62</sup>

Lewis Sorley offers an interesting approach to establishing a written code of ethics for the military. He believes ethics are essentially what happens between people. As such, he offers precepts that help to guide behavior between key relationships within a military organization. He offers two precepts for guiding the relationships between peers, six for superiors, and five for subordinates.<sup>63</sup>

Although Sorley refers to his ideas as precepts rather than a written code per se, he is in effect offering a format for a written code of ethics. He argues,

Perhaps some precepts, amplified by short discussion of their meaning and application, could help bridge the gap between admittedly divergent understandings of the oral tradition, as it now exists, and a detailed written code.<sup>64</sup>

What Sorley has done is to avoid taking what he refers to as a legalistic approach to codification.<sup>65</sup> Sorley is convinced some guidance is necessary in addition to the time-honored military concepts of duty, honor, country because "of the admittedly divergent understandings of the oral tradition" cited above.<sup>66</sup> The key idea which Sorley correctly identifies as the key to making ethical

decisions when faced with a dilemma is informed judgment. As Sorley puts it, "Of course, supplemental precepts would not eliminate the need for informed judgment either. Judgment is an essential and integral element of the ethical person."<sup>67</sup>

A different approach from prescribing a code per se would be to devise a test or series of tests that would allow Marines to determine if their actions are ethical. A simple test would obviate the long list or lists of tenets outlined above. One author who examines this point of view is Sidney Axinn in his book, A Moral Military.<sup>68</sup> Axinn explores what he calls "The Dirty Hands Theory of Command," contending that, in order to be effective, organizations must, at times, act immorally. Further, the public expects its officials and institutions to act immorally for the greater good of the community as a whole. Axinn uses Machiavelli's classic work The Prince to further define the theory of dirty hands:

Experience shows that princes in our times who have done great things have cared little for honesty . . . . It is not necessary for a prince to have the good qualities mentioned above, but it is necessary to seem to have them. I would say this; to have them and use them all the time is dangerous, but seeming to have them is useful.<sup>69</sup>

Axinn identifies four styles by which ways and means might be considered. The first is "Universal Fairness." This style says the rights of the individual outweighs the need for expediency. No immoral means may be used to gain a

just end. "Social Utility" holds that the rights of the individual are secondary to the welfare of the group. The third style is referred to as "Individualism." For individualist, their own welfare is placed above those they are acting upon as well as those they are acting for. The final style is called the "Religious" style. This style holds religious goals outweigh all others and there are no restrictions to achieving their end.<sup>70</sup>

Having identified his four styles, Axinn examines the moral value of guilt. Here, he disposes of the thought that an immoral act is tolerable if the perpetrator of the act then feels guilty. Axinn rejects the notion of the value of guilt after an immoral act has been committed. He uses as an example the criminal who stabs you in the back. He argues that as you lie dying on the sidewalk it makes little difference to you if the killer feels guilty about what he has done. Axinn also reiterates his warning that people can become accustomed to dirty hands and use them in situations where the collective survival is not at stake. In essence dirty hands become an expedient to accomplish any mission or goal.<sup>71</sup>

Axinn borrows from Immanuel Kant to provide a solution to the problem of dirty hands. First he describes Kant's contrasting of the political moralist and the moral politician. According to Axinn, "The first, the political moralist, shapes morality to fit political ends. The

second, the moral politician, makes his or her political activities fit within moral limits."<sup>72</sup> In other words, Axinn writes, "The former subordinates principles to ends, the latter ends to principles."<sup>73</sup>

Kant's method for solving the problem of dirty hands is found in the form of two tests. The first is the test of publicity. It states, "All actions that affect the rights of other men are wrong if their maxim {rule} is not consistent with publicity."<sup>74</sup> Axinn notes, "it is the rule or maxim of the action, not the action itself, that must be able to stand publicity."<sup>75</sup> While necessary to openly declare war on an opponent or openly state you intend to take action against terrorist, it is not necessary to publish your war plans or tell the terrorist when and where you will hit them.<sup>76</sup>

When an action fails the first test the action can be said to be wrong, according to Axinn. However, if the action passes the first test the action still may not be ethical. Axinn again relies on Kant to make his point, "Kant mentions that a ruler who has 'decisively supreme power, has no need to keep his maxims secret.'"<sup>77</sup> For this reason Kant developed a second test, "All maxims {rules} that require publicity (in order not to fail of their own end) agree with both politics and morality."<sup>78</sup> Axinn notes, "If a maxim (rule, law) requires publicity to be effective, then the public is not going to be suspicious of the

question about which rule is being used."<sup>79</sup> When a course of action can satisfy both tests the course of action is moral.

In summary, Axinn rejects dirty hands in every case. He is convinced Kant's tests will lead us to making the moral decision or at least identifying immoral ones. He states, "Must we countenance dirty hands? Must we justify them in some cases? Despite the various threads of the issues considered above, the answer should be, 'No'."<sup>80</sup>

### PART III. HISTORIC GUIDANCE

This final section will examine the Marine Corps' historic sources of ethical guidance which have guided the Corps for the last 217 years. The list of books and documents that have served as the Marine Corps' ethical foundation is too extensive to include the entire list in this study. One could argue, Marines have received and continue to receive ethical guidance from three categories: sanctioned sources, instructional sources, and traditional sources.

Sanctioned Sources. These are sources of ethical guidance that provide for some administration or punitive punishment if not followed.

1. The Constitution of The United States is the first sanctioned source to consider, specifically the preamble:

We the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.<sup>81</sup>

These few powerful words reveal the first authority to provide for a regular armed force and the reasons for which that force exists. The reason clearly is to provide for the common defense. It does not take a very long or detailed memory to recall how the Marine Corps and the common defense are interwoven into the other ideals captured in the preamble. Marines were involved in establishing justice, insuring domestic tranquility and promoting the general welfare for the people of Los Angeles less than a year ago. Marines helped to secure the blessings of liberty in Panama and Kuwait during Operations Just Cause and Desert Storm.

Gabriel might call these ideals descriptive in nature and therefore of little use. However, justice, tranquility, promoting the general welfare, and liberty, in the broadest sense, define America as a nation or what America should be as a nation. There are very clear sanctions for the violation of the Constitution as written in civil code. The Constitution and in particular the preamble provide to the nation and Marines much in the way of moral guidance and a sense of the moral values of America.

2. The Uniform Code of Military Justice (UCMJ) offers a nearly complete codification of proper and improper behavior for Marines. The UCMJ is as prescriptive as any guidance Marines will be given at any time. Marines receive training in the UCMJ at boot camp, and the UCMJ is tested annually as part of Battle Skills Training. To the extent laws can force ethical behavior, the UCMJ is as good as any. The UCMJ is well ingrained in Marines from the time they enter the Corps. Being prescriptive, the UCMJ is straightforward and in most cases can be easily interpreted by the individual Marine with little training. The UCMJ offers to the Marine a set of clearly defined rules which must be adhered to in order to avoid punishment. The UCMJ establishes clear guidelines for the conduct of a Marine's daily life and, as such, provides the Marine with guidelines for minimum acceptable conduct.

3. The Law of Land Warfare is another prescriptive codification of minimum acceptable behavior as law applies to combat. Like the UCMJ, the Law of Land Warfare is instructed at the entry level and is tested annually as part of Battle Skills Training. Battle Skills Training prepares the Marine for conduct expected in combat. In most cases, the Law of Land Warfare's prescriptive nature makes this set of laws clearly understood by Marines with minimal instruction.

Instructional Sources. These sources are used by the Marine Corps to instruct the value of ethics, but they do not entail judicial punishment if not followed.

1. The only Marine Corps specific document fundamental to this topic is a lesson plan entitled Standards of Personal Conduct. The lesson plan identifies three core principles, a code of ethics for personal conduct, as well as a decision making process for interpreting moral dilemmas. The three core values identified are honor, courage, and commitment. These core values are further defined and interpreted by identifying them with other personal traits. The approach of the core values and associated traits is a descriptive approach to the codification of ethics.

The lesson plan's code of ethics identifies eight tenets paraphrased below:

- Act with honor and integrity
- Treat others with courtesy and respect
- Exhibit courage
- Aspire to excellence
- Value discipline
- Strengthen the spirit of camaraderie
- Serve selflessly
- Uphold our motto Semper Fidelis (always faithful)<sup>82</sup>

These eight tenets take a much more prescriptive approach to the codification of ethics.

In addition to the three core values and the eight tenets the lesson plan details a process of how an officer might go about weighing evidence when faced with a moral dilemma. The lesson plan outlines a four step process. Broadly the four steps are: (1) Recognize the ethical dilemma and determine possible choices; (2) Examine everything that relates to each choice; (3) Make a responsible and ethical decision; and (4) Implement your decision . . . do it.<sup>63</sup>

This methodology uses a series of tests to determine the most ethical decision when faced with a dilemma. The third step in this process would seem to put the user right back at the beginning. What the process does up to that point is attempt to quantify the pros and cons of various courses of action in an effort to identify the most moral course of action in a situation of competing morals. Together, the lesson plan combines descriptive and prescriptive tenets as well as tests for building moral character and determining moral action.

2. The value of the Code of Conduct cannot be underestimated as a tool to instruct Marines on what constitutes acceptable behavior while a prisoner of war. Further, the Code of Conduct has the unique distinction of being the only non-sanctioned prescriptive code taught by the Marine Corps that has had its utility tested in the environment for which the code was constructed. Like the

UCMJ and the Law of Land Warfare, Marines are given entry level and follow-up training in the Code of Conduct as part of their Battle Skills Training. Two interesting books attest to the utility of this code.

When Hell Was In Session, by retired Rear Admiral Jeremiah A. Denton Jr., is a chronicle of his nearly eight years as prisoner of war during the Vietnam War.<sup>84</sup> This book offers some insight into the effectiveness a code of ethics might have on the Marine Corps. Admiral Denton relates the tremendous effect the Code of Conduct had on his behavior and the treatment that those who followed the code received from their captors.<sup>85</sup>

He states, "To understand what follows, you have to have some knowledge of the Code."<sup>86</sup> He then lists the six articles of the Code of Conduct. Though not specifically noted by the author, the reader can glean how Admiral Denton took extraordinary steps to live by the code. He also provided the strong leadership to ensure those under his command also knew that similar conduct was expected of them.

As for the utility of the code, Admiral Denton says, "There is no underestimating the effect of the Code of Conduct, both on our behavior and on the treatment we received in prison."<sup>87</sup> He adds,

I am proud to say that the great majority of American prisoners of war abided by the Code of Conduct to the best of their ability, even at times

when probably no one would have known the difference.

Many took enormous physical and mental punishment to preserve their country's honor, and some died for it.<sup>88</sup>

Another work that testifies to the usefulness of the Code of Conduct is A Code to Keep by Ernest C. Brace.<sup>89</sup> Brace's account of life in a North Vietnamese prison runs along the same lines as Admiral Denton's with the notable exceptions that Brace was captured in Laos and was a civilian at the time of capture. Brace, a former Marine aviator flying secret supply missions for the C.I.A., was not bound by the Code of Conduct as a civilian. But Brace clung to the Code as source of strength throughout his nearly eight years as a prisoner of the North Vietnamese, the longest of any American civilian. Of his dogged adherence to the code, General Alexander Haig said this, "An inspiring personal account of adherence to the Code of Conduct that should be read by those in uniform."<sup>90</sup> So deep was his belief in the code that he refused an early release in 1969 because the senior officer in his camp had issued orders that no early releases should be accepted.<sup>91</sup>

Much in the same fashion as Admiral Denton, Brace relates how the code guided him in his actions while in captivity. Actions which included three escape attempts, resisting the enemy during torture, providing a vital link in prison communications network and, as mentioned above,

refusing parole. For his heroic actions Brace was awarded the Distinguished Service Medal.<sup>92</sup>

Brace's book serves as another example of how the Code of Conduct was instrumental in guiding behavior while imprisoned. Brace's account along with Admiral Denton's provide insight into the effectiveness a written code of ethics might have on the Marine Corps.

3. The Marine Corps leadership traits and principles offer another common thread which give Marines ethical guidance. (See Appendix C) Although not annually tested as part of the Battle Skills Test, the fourteen leadership traits and eleven principles are instructed at entry level schools for Commissioned Officers, Staff Noncommissioned Officers (SNCO) and Noncommissioned Officers (NCO). Further, the traits and principles are commonly displayed in barracks and office spaces. The traits and principles further manifest themselves, though not in their entirety, on the Marine Corps fitness report. The traits are descriptive terms that define certain characteristics a good leader might have in some combination. The eleven leadership principles are prescriptive and indicated how the traits can be effectively applied.<sup>93</sup>

Traditional Sources. These are sources unique to the Marine Corps and speak of the Corps' history. Traditional sources are instructional as well, but in addition these traditional sources define the character of

the Corps, much in the sense the preamble of the Constitution defines the nation. Every Marine may have one or two traditional sources they call on to guide them in the execution of their duties. Three of the more customary and widely circulated source are identified below.

1. A long time guide for Marines has been the code of the Band of Brothers. (See appendix D.) The Band of Brothers code can be boiled down to eleven principles which instruct Marines on their duty to their unit, their fellow Marines and themselves. Principle number six is perhaps the most telling and gives a sense of what the Band of Brothers is all about.

A blending of separate cultures, varying educational levels, and different social backgrounds is possible in an unselfish atmosphere of common goals aspirations, and mutual understanding.<sup>94</sup>

Although not published as a code per se, the Band of Brothers has all the qualities of a prescriptive code of ethics. The Band of Brothers is taught to Marines at entry level and is prevalent throughout the Marine Corps. The Band of Brothers captures the very essence of what being a Marine is all about, but the Band of Brothers enjoys no official status.

2. Major General John A. Lejeune's words on command and leadership, from the 1921 edition of the Marine Corps Manual, have endured and are included in the current edition of the Marine Corps Manual. (See appendix E.) The central theme in Lejeune's message is the fostering of professional

relationships between officers and enlisted personnel. The thrust of his message can be summed up in what General Lejeune refers to as the teacher-scholar relationship:

The relationship between officers and enlisted men should in no sense be that of superior and inferior nor that of master and servant, but rather that of teacher and scholar. In fact, it should partake of the nature of the relationship of father and son, to the extent that officers, especially commanding officers, are responsible for the physical, mental and moral welfare, as well as the discipline and military training of the young men under their command who are serving the nation in the Marine Corps.<sup>95</sup>

General Lejeune's words succinctly state the nature of command for Marine officers. Any attempt at codification which strikes at the nature of command must capture Lejeune's essence.

3. Fix Bayonets by John W. Thomason Jr. is an important work because Thomason's words, better than any others, captures the idea of what being a Marine is all about. A captain during World War I, Thomason's book is compilation of stories about his experiences during that conflict.

Though first penned in 1926, his words are as true today as ever:

The men who marched up the Paris-Metz road to meet the Boche in that spring of 1918, the 5th and 6th Regiments of the United States Marines, were gathered from various places. In the big war companies, 250 strong, you could find every sort of man, from every sort of calling. There were Northwesterners with straw-colored hair that looked white against their tanned skins, and delicately spoken chaps with the stamp of the Eastern Universities on them. There were large-boned fellows

from Pacific-coast lumber camps, and tall, lean Southerners who swore amazingly in gentle, drawling voices. There were husky farmers from the corn-belt, and youngsters who had sprung, as it were, to arms from the necktie counter. And there were also a number of diverse people who ran curiously to type, with drilled shoulders and bone deep sunburn, and a tolerant scorn of nearly everything on earth. Their speech was flavored with navy words, and words culled from all the folk who lived on the seas and the ports where our war-ships go. In easy hours their talk ran from the Tartar Wall beyond Peking to the Southern Islands, down under Manila; from Portsmouth Navy Yard-New Hampshire and very cold-to obscure bushwackings in the West Indies, where Cacao chiefs, whimsically, sanguinary, barefoot generals with names like Charlemagne and Christophe, waged war according to the precepts of the French Revolution and the Cult of the Snake. They drank the eau de vie of Haute-Marne, and reminisced on saki, and vino, and Bacardi Rum-strange drinks in strange cantinas at the far ends of the earth; and they spoke fondly of Milwaukee beer. Rifles were high and holy things to them, and they knew five-inch broadside guns. They talked patronizingly of the war, and were concerned about rations. They were the Leathernecks, the Old Timers. . . .

There is nothing particularly glorious about sweaty fellows, laden with killing tools, going along to fight. And yet-such a column represents a great deal more than 2800 individuals mustered into a division. All that is behind those men is in that column, too: the old battles, long forgotten, that secured our nation-Brandywine and Trenton and Yorktown, San Jacinto and Chapultepec, Gettysburg, Chickamauga, Antietam, El Caney; scores of skirmishes, far off, such as the Marines have nearly every year-in which a man can be killed as dead as ever a chap was in the Argonne; traditions of things endured and things accomplished, such as regiments hand down forever; and the faith of men and the love of women; and that abstract thing called patriotism, which I never heard combat soldiers mention-all this passes into the forward zone, to the point of contact, where war is girt with horrors. And common men endure these horrors and overcome them, along with the insistent yearnings of the belly and the reasonable promptings of fear; and in this, I think, is glory.<sup>96</sup>

Any code or codes that the Marine Corps might adopt would have to capture the spirit outlined by Thomason above. Though certainly not his intention, he addresses the phenomenon of relativism when he writes "you could find every sort of man, from every sort of calling."<sup>97</sup> These men came together as a formidable force with a common purpose. Service as a Marine should transcends our cultural backgrounds and bind us together as a unique brotherhood that a code must capture. As Thomason writes, "Each battalion is an entity, 1,200 men of one purpose."<sup>98</sup>

Any code must also capture the spirit of the professional Marine that Thomason writes about. As he states,

They were the old breed of American regular, regarding the service as home and war as an occupation; and they transmitted their temper and character and view-point to the high-hearted volunteer mass which filled the ranks of the Marine Brigade.<sup>99</sup>

The cadre of professional SNCO and NCO needs to be indoctrinated with the sense of duty and commitment expressed in Thomason's words.

Finally, any code that is to be applicable to the Marine Corps must capture the spirit and history of the Corps' units and the Corps itself. As Marines serve, they guard the reputation earned on hundreds of battlefields throughout the Corps' history. As Thomason puts it, ". . . traditions of things endured and things accomplished, such as regiments hand down forever."<sup>100</sup> Today's Marines carry

the responsibility to continue the tradition of exemplary service to nation and Corps as those who proceeded them. Thomason's work serves as a good outline for the tradition that must be captured in any written code of ethics for Marines.

## CHAPTER THREE

### RESEARCH METHODOLOGY

Part I of the literature review highlighted four authors who addressed ancillary topics which should be considered when dealing with the formulation of a written code of ethics.

-Davenport argued the military could be considered a profession without a written code because of historic precedence.

-Huntington identified the key ingredient which makes military officers professionals, the management of violence.

-Glover addressed how the conscience becomes immune after constant bombardment of morally reprehensible acts.

-Narel argued no true relativist would pursue a military career.

Part II of the literature review focused on literature that supported the adoption of a written code of ethics for the military. As this literature was studied, it became apparent that there were as many ideas of how a code of ethics should look and what the code should include as there were authors that examined the subject. As the scope of the literature review expanded, so did the number of

types of written codes and the ideals that the proposed codes tried to capture. Eight concepts were examined.

- Walzer's test of efficiency
- Buckingham's three tests for moral action
- Gabriel's ten ethical tenets
- Taylor's ideal officer
- DeGeorge's three virtues
- Fotion and Elfstrom's four codes
- Sorely's guide for key relationships
- Axinn's tests for moral conduct

With the body of literature on the subject of adopting a written code examined, part III of the literature review turned to examine where the Marine Corps has drawn ethical guidance for the past 217 years. Historical guidance was limited to several sources to keep the research at a workable level. The historical sources of guidance for the Corps were examined to establish a baseline for looking at the proposed codes. Three areas were examined.

- Sanctioned sources
- Instructional sources
- Traditional sources

The analysis which follows will examine the proposed codes to identify the advantages and disadvantages of codes in general. The analysis will go on to look at the strengths and weaknesses of the various forms of codification which have been posited. This analysis will

also identify to whom a proposed code should apply; who should develop any code which might be adopted by the Marine Corps; and whether a code should have sanctions. The final portion of the analysis will identify if the proposed codes offer any new information. Whether the codes offer any new information will be determined by conducting a comparative analysis between the proposed codes presented in part II of the literature review and the historic sources of ethical guidance identified in part III. The primary research question will be answered by weighing the advantages against the disadvantages and whether the codes offer any unique ideas.

The strength of this methodology is that the methodology will identify many of the advantages and disadvantages of codification. This methodology will also determine if the authors in part II of the literature review have discovered ideas which the Marine Corps might adopt. Another strength of this method is that it does not concentrate on a single type of written code. Rather the methodology examines several forms which a written code might take. By examining several forms, the research is not limited to refuting or confirming a single approach to the problem but rather looks at the question in a broader perspective. This research will also serve to consolidate the various methods for organizing a written code and

identify some of the strengths and weaknesses of each method of codification.

The major weakness of this methodology is, although in one respect it is broad in scope, in another, the methodology fails to examine every idea for the establishment of a written code of ethics. As the methodology does not examine every form of code that has been proposed, neither does it consider every source of historical guidance that has served the Marine Corps to this point. The list of proposed codes and the variation of these codes is nearly as endless as the sources of historical guidance. In the interest of keeping the research to a workable level, both had to be limited to a representative number. Finally, there was no scientific method used to rank and weight the advantages and disadvantages to determine the best course of action for the Marine Corps concerning the codifying of ethics. The conclusions drawn from the analysis are based on the subjective judgment of the author.

## **CHAPTER FOUR**

### **ANALYSIS**

This chapter addresses three areas. First, will be the examination the primary research question in the affirmative: The Marine Corps should adopt a written code of ethics. Part I will explore the advantages the Marine might expect to accrue as a result of codifying ethics. Part I will also address many of the secondary research questions posed in chapter one. These questions will be addressed from the perspective of the Marine Corps eventually adopting a written code of ethics. Part II will examine the primary research question from the negative: The Marine Corps should not adopt a written code of ethics. This part will pose many of the objections or disadvantages to codification. The final part of the chapter will be a comparative analysis of part II and part III of the literature review to discover what, if any, new information the various proposed codes offer.

#### **PART I. ADVANTAGES TO CODIFICATION**

This portion of the analysis will examine an affirmative answer to the primary research question. In

addition, part I will explore the following secondary questions:

What are the advantages of adopting a written code of ethics?

What forms might a code take?

What are the advantages and disadvantages of each form?

Who should the code be applied to, officers only or the entire Corps?

Who should develop the code, civilians or military people?

Is a single code sufficient to capture all of the ideals that need to be addressed?

Should the code have sanctions?

The literature review uncovers numerous advantages for the Marine Corps should the Corps adopt a written code of ethics. The first argument for adopting a code was to mitigate against the phenomenon referred to as moral relativism. General Boomer's call for a code was based on the thought that the nation had lost its common moral underpinnings. Boomer believes the adoption of a written code of ethics can be instrumental in reversing this trend or at least provide a common ethic for Marines.<sup>1</sup>

The adoption of a written code of ethics would provide a clearly stated set of tenets or precepts with which new recruits could easily familiarize themselves.<sup>2</sup>

These tenets or precepts could be drilled into the new Marines along with examples of how the tenets or precepts are to be applied. This kind of schooling would provide new Marines with common ethical education. The code would clearly state the ethical expectations of the Marine Corps, leaving little to the imagination of the new Marines. Instruction of this nature would go a long way toward mitigating against some of the divergence of ethical backgrounds of new recruits. In this manner the Marine Corps could provide their own common moral underpinnings that are the heart of Boomer's call for a code.

By publishing a written code, the Marine Corps could gain a recruiting edge. By having a clearly stated ethical standard the Marine Corps will attract those who share the published ethical philosophy.<sup>3</sup> It stands to reason, if the Marines publish a stringent code of ethics, those who are not interested in playing by the published rules will not apply. Various religious orders have well published rules of behavior, few who are not interested in playing by those rules apply for membership to the order. The same logic can apply to the Marine Corps. Using the Corps' extensive advertising campaign, the Marines could clearly state the ethical makeup required of potential recruits. In so doing, the Marine Corps would attract like-minded individuals and at the same time dissuade those not of, or willing to strive for, the required ethical mettle.

The adoption of a written code of ethics will have the additional benefit of bridging the gap between the Marine Corps and the civilian community.<sup>4</sup> The gap between the military and civilian communities is a problem of growing concern. Military Sociologist Charles Moskos notes that since the abolishment of the draft in 1973 only one in five eligible males enrolls for military service. With a base force projection of 1.6 million by 1995, the ratio will drop to one in ten. The year 1982 marked the first time since Pearl Harbor that the percentage of military veterans in the Congress fell below half. Moskos sees military service as the most effective way to integrate Americans of different social and geographic backgrounds.<sup>5</sup>

Again, by using an effective advertising campaign, the Marine Corps would not only attract those predisposed to the stated ethical requirements, but would also tell the American people what the Marine Corps stands for ethically. This approach would serve to keep the American people in touch with the ethical doctrine of the Corps. A clearly stated ethical doctrine will become increasingly more important as downsizing continues the trend noted by Moskos, perhaps to a scale even greater than he predicts. Having a thorough understanding of what the Marine Corps stands for and the Corps' mission is essential for the American people. Placing our ethical doctrine in a format which allows and

encourages scrutinizing will further the public's understanding and increase trust.

While Davenport does not cite civilian military relations as basis for calling for a code, he does recognize that there is a remoteness between the military and the civilian sector. He compares this remoteness to the isolation experienced between law-abiding citizens and the police. In both cases, citizens appear to want to maintain a distance between themselves and those they hire for protection. If crimes or wars are being conducted on the front yards of the citizenry, then a good case could be made that those who were responsible to protect against these occurrences have failed in their duties. Citizens' tendency to resist close relationships with the military has the pejorative effect of drawing the military into a isolation of their own, according to Davenport.<sup>6</sup> By publishing a written code of ethics the Marine Corps can begin to bridge this perceived gap.

One of the most common arguments for the adoption of a code of ethics is to provide ethical guidance that can be followed in the heat of combat. The adoption of a code can act as a lighthouse to guide Marines through the fog of war. An incident such as the My Lai massacre is evidence enough that those engaged in combat require a guiding light to steer them from, among other things, the group behavior

which led to the My Lai disgrace. As Fotion and Elfstrom note,

Both sociologist and all those who have been in a military uniform are familiar with the kinds of group behavior exhibited by young men in uniform. Such behavior can, and at times does, range on the negative side all the way from mild intimidation of others to rape and murder. In a group these men will do things they ought not, which they would not do by themselves.<sup>7</sup>

The adoption of a code of ethics would provide, for the Marine in the stress of combat, ready-rules of conduct which would mitigate against the occurrence of another My Lai. With the adoption of a code comes a common understanding of what is and is not acceptable behavior. This understanding is sure to have a positive effect on the performance of Marines in the heat of combat. There will always be a small minority who will violate the rules. However, the opportunity for the type of group actions, with many thinking what they are doing is alright because others are participating in the same conduct, will be greatly reduced.

The final advantage for the Marine Corps adopting a written code of ethics is to avoid the Department of Defense or Navy eventually dictating a code to the Marine Corps. By taking the lead, the Marine Corps can fashion the code to meet the Corps' ethos. The Marine Corps is a unique organization with a unique mission and a storied history. Any code adopted by the Marine Corps must be developed by Marines. The code must capture 217 years of Marine Corps

history and tradition. The code should not be dictated to the Marine Corps by an outside source. One sure way to avoid codification from outside organizations is to preempt any such move by formulating and adopting a suitable code before others can act.

With a number of advantages discussed, attention is now focused on the forms a code might take. The literature review reveals three different approaches. First, the code could be expressed as a test or a series of tests or rules. Next, codification might take on the characteristics of broad precepts or traits such as duty, honor, country or selfless service, commitment, and integrity. Finally, the code could be expressed as a detailed list of prescriptive tenets designed to guide a Marine through the most difficult situations. Certain advantages and disadvantages can be associated with each form.

The test method of codification offers several advantages. First, the code can be kept short and concise. A test could be developed to apply to only the most difficult situations in which Marines might find themselves. The key to this brevity would be that the tests could be quickly learned and applied. This is a key point because, if the code becomes too unwieldy, the code's application becomes more difficult.

The test approach to the development of a formal code offers an advantage in that tests can be expressed in

both broad and narrow terms. On the one hand, the Marine Corps might have a broadly stated test such as, Does the contemplated action improve unit performance? The Corps may also have more specific tests such as, Does the contemplated action limit human suffering? This ability to state the tests in both broad and narrow terms would allow the Marine Corps a great deal of flexibility in the formulation of a code of this nature.

The test approach to code development avoids the legalistic pitfall. Tests would make no attempt to offer a second codification of the Law of Land Warfare and the UCMJ. This form of codification would offer tests for the application of law, ROE, and orders from senior officers. If the contemplated action failed the test the Marine would have some indication that the proposed action might involve some ethical dilemma.

While the test method of codification offers some advantages, tests have a couple of problems associated with them. While the tests themselves might be easily committed to memory, the application of those tests to real world situations cannot be memorized. The application of the tests will require a good deal of critical thinking on the part of the Marines applying the tests. This application will bring the Marine Corps back around to the necessity for ethical training to correctly apply the tests in specific situations. Even with extensive training, Marines will, no

doubt, be faced with situations never covered in training and will require the leader to make a quick decision based on critical consideration of the information available.

A second method for the codification of ethics can be found in offering broad precept or traits by which Marines would conduct themselves. Precepts and traits offer the advantage of being broad-based so again there is no fear of becoming involved in the legalistic quagmire. Further, because precepts and traits are broad in nature they can be kept relatively short. This approach to codification offers personal traits and, or broad precepts by which individual Marines would conduct themselves. By offering beacons such as duty, honor, country, selfless service, commitment and integrity, the Marine Corps would provide guideposts by which Marines would be expected to conduct themselves.

The obvious objection to the precept and trait approach is that in a Corps of Marines with differing values, there is little chance of all Marines arriving at the same conclusion of what the various traits and precepts mean. In this respect the precept and trait approach may be so broad as to become meaningless as a tool for inculcating Marines. Again the crux of the problem in this approach is that precepts and traits rely heavily on the critical level of thinking. As such, a universal understanding of the traits and precepts being reached is unlikely. General Boomer's concern with relativism is a

legitimate concern to the precept and trait approach to codification. Instead of providing a code which mitigates against relativism, broad precepts and traits rely on the very moral judgment General Boomer says needs to be changed.

The final approach to codification relies less on critical thinking and focuses more on the intuitive level of thinking. The establishment of a formal code which lists very prescriptive tenets obviates the need, to some extent, for critical thinking. This approach lists tenets which must be followed in order to avoid moral sanction. This approach can be likened to the Ten Commandments in that this method prescribes specific rules which can be easily committed to memory and followed.

While the prescriptive approach offers the advantage of being easily interpreted, prescription of ethics offers the challenge of becoming very legalistic. When the form of an ethical code begins to take on the characteristics of a legal code, the ethical code can easily become unwieldy in its effort to cover the plethora of circumstances which may arise.

With the various forms which a code might take identified, whether a single written code of ethics would be sufficient to accomplish what is desired can now be examined. Each form of codification has distinct strengths and weaknesses. The best approach to codification would be to take advantage of the strengths of each form. The United

States Marine Corps' Standards of Personal Conduct lesson plan takes the approach of borrowing from each form of codification.

The Fotion and Elfstrom approach offers the most hope for providing meaningful guidance to Marines. Their approach contends a single code is insufficient and more than five is too many. The body of information codes attempt to handle would indicate that one code would be inadequate to provide any useful guidance. Also, the divergent types of information that must be incorporated into a code indicate a single code is unworkable. The requirement to address actions in garrison, actions in combat, treatment of prisoners of war, conduct when becoming a prisoner of war, and the handling of civilians, is a clear indication that the attempt to capture all of the needs these circumstances present in a single code is futile.

The issue of who ought to be affected by the code or codes is of great concern for the Marine Corps. Authors in the literature review are about evenly split on the subject to whom a written code of ethics ought to apply, officers or the entire force. Taylor, Buckingham, DeGeorge and Huntington write of ethics as they apply to officers. Fotion, Elfstrom, Gabriel, Glover and Sorley address the entire force. The difference may lie in the definition of the term professional.

Huntington contends there are three characteristics which identify a profession. First is expertise. Expertise is defined as possessing specialized knowledge and skill in a crucial human enterprise. Responsibility is the second characteristic. Responsibility is the expert providing an indispensable service for society. Finally, the idea of corporateness is expressed as the sense of unity members of a profession share apart from laymen.<sup>8</sup>

For the first group of authors, one key issue is the perception of the officer corps as being a more professional group than the enlisted ranks. This perception can be based on the fact the education level among the officer ranks is higher than that of the enlisted ranks. Further, officers can be said to have a more detailed understanding of the art of war through their attendance at various military schools.

The officer's ability to manage violence is what sets him apart from enlisted members and any civilian counterpart, according to Huntington.<sup>9</sup> Another reason to target the officer corps is that officers make most of the decisions and originate the orders. By influencing the decision makers, the entire force is necessarily affected.

The second group of authors concern themselves with the entire force because enlisted members are, for the most part, the group which must execute the orders. By doing so, the enlisted member most closely faces the horror of war. Further, these enlisted members are the youngest and least

prepared to deal with the ethical decisions which must be made in the heat of combat.

Any code which the Marine Corps considers should be fashioned to apply to the entire Corps. The Marine Corps has established the tradition of every Marine a rifleman and the Band of Brothers, traditions such as these require that the Corps of Marines be treated as just that, a single Corps. Further, enlisted Marines can be expected to be forced into leadership positions with little or no notice. Under crisis conditions is not the time to start thinking about the ethical dilemmas that might arise.

Marines viewing themselves as professionals is more important than having that title bestowed upon them by some outside authority such as Huntington. However, one can effectively argue that today's Marine meets every requirement outlined by Huntington. The vast majority of today's Marines are high school graduates who have had extensive training in their specialty field. From boot camp through discharge, today's Marines are involved with continuing professional development and education. Marine Corps Institute, NCO school, Military Occupational Specialty proficiency schools, and the Commandant's professional reading program, all prepare today's Marines for their profession. With this general and specialized training today's Marines have acquired an expertise of their military specialty. They may not have reached the level of expertise

of the officer, but neither are their skills so limited as to be compared with those of a plumber or carpenter.

More importantly, junior Marines too are involved in the management of violence, which is the defining characteristic of the profession, according to Huntington.<sup>10</sup> Today's non-linear battlefield requires all Marines be capable of acting independently. The days of close centralized control of forces are gone, made obsolete by modern weapons of great range and accuracy. The battlefield of the future is likely to become even more dispersed. The proliferation of nuclear and chemical weapons will require increased dispersion of formations. This dispersion is going to require Marines of more junior rank to be capable of making quick decisions on the management of violence in their little corner of the battlefield.

The requirement for Marines to take responsibility is greater than ever. The officer/enlisted ratio in the Marine Corps is lower than in any other service. When the fact that the Marine air-wing has a disproportionate ratio of officers is considered, the problem on the ground side is compounded. The best way to compensate for this low ratio is to give more responsibility to the enlisted ranks. With this responsibility goes all the requirements to serve, not only the Corps but society as well, which is one of Huntington's premisses for a professional.

The idea of corporateness has always been a hallmark of the Marine Corps. Corporateness is the essence of the argument that any code should apply to all Marines. The Marine Corps' motto Semper Fidelis, and the sayings "Once a Marine always a Marine," "Every Marine a rifleman," and the "Band of Brothers" all express the idea that the Corps is unified. Codification needs to address the entire Corps to be effective.

With regard to the question of who should be responsible for the development of a written code for the Marine Corps, some might argue that the code ought to be developed by civilians, such as a civilian police review board.<sup>11</sup> Delegating responsibility for developing the code to a civilian board would give the code a certain objectivity. Civilians might be more apt to carefully consider the treatment of noncombatants, prisoners of war, and the level of force acceptable under specific circumstances. The Marine Corps forming its own code might be seen as self-serving. The Marine Corps, one could argue, considered only the Corps' needs and failed to consider non-military issues.

On the other hand, Marines are the only individuals capable of understanding what the Marine Corps does and what the Marine Corps is all about. In order to develop a suitable combat code, one would need to have a detailed understanding of weapons capabilities, command and control

procedures, and tactics and techniques of both friendly and possible enemy forces. In order to capture the necessities of garrison life, one would have to understand the training process, conditions under which Marines are expected live, and the discipline and military courtesies expected of Marines. More importantly, only Marines are capable of appreciating the 217 years of history and tradition which must be captured in any code to be adopted by the Marine Corps.

The development of any code should be left to the Marine Corps. Allowing the Marine Corps to fashion its own code does not preclude review by outside sources. Once developed, the code could then be reviewed by sister services and civilians. Any input or comment from outside the Marine Corps could be reviewed and the code adjusted if necessary. As noted in the advantages of codification, this review would be healthy and advantageous to the Marine Corps by bridging the gap between the civilian and Marine communities.

Codification is faced with a serious dilemma when considering any sanctions which might be attached to a code. If sanctions are applied, the code will necessarily clash with the legal system. If some form of sanction is not attached to the code, what can be done to ensure compliance? A workable approach is to attach limited moral and administrative sanctions to the code. In this manner the

code need not be legally binding, thus avoiding a legalistic approach to codification. On the other hand, administrative sanction will provide the code with some teeth. The Fitness Report is one tool which might be used to document ethical behavior both good and bad. Certain traits could be included in the section B and commented on in section C. Ethical behavior could also be included in the assignment of conduct markings for junior Marines.

## PART II. DISADVANTAGES TO CODIFICATION

This portion of the analysis will approach the primary research question from the negative perspective. The disadvantages of codification will be addressed below.

A common belief is that ethics cannot be taught, particularly at the entry age of most recruits.<sup>12</sup> The likelihood of a written code accomplishing, or changing, what 18-22 years of parental guidance, peer pressure, school, and church have failed to, is remote. Recruits raised with a gang will continue to think like the gang, because that is what they grew up with in the formative years. If they lack ethical guidance until the time they join the Marine Corps, a written code will not reverse the poor ethical guidance over the first 18-22 years of that recruits life.

Merely stating a code of ethics does not in itself ensure ethical behavior.<sup>13</sup> Simply by adopting a code of

ten, fifteen, or one hundred tenets, precepts, or rules is not in and of itself going to cause anyone to do anything they are not already predisposed to do. If Marines are predisposed to steal from roommates, a code telling them stealing is wrong is of less value than the UCMJ which will punish them for stealing from their roommates. Because codes cannot ensure ethical behavior, codes are of little use.

Marines may come to rely on the code as a guide for all that is required for ethical behavior.<sup>14</sup> A meaningful code cannot cover every situation in which a Marine is likely to find himself. Marines may come to believe, if the situation is not covered by the code, there are no ethical considerations. Under these circumstances military expediency is sure to be the primary consideration. If a code is adopted, Marines may expect the code to provide them all of the guidance necessary to get along in sticky situations. If the code does not, what good is the code, and what does the Marine do when caught in an situation not covered by the code?

Any code will likely state ethical responsibilities in a perfect form.<sup>15</sup> The idea that anyone is perfect all the time cannot be taken seriously. None will be able to live up to the expectations of code. The more detailed the code, the more likely Marines will fail to live up to the code's expectations. The more frequently Marines fail to

live up the code, the more the meaning of the code is deteriorated. As the meaning is deteriorated, the usefulness of the code diminishes until the code becomes just another piece of paper tacked to unit bulletin boards.

A common objection to codes is that they inevitably begin to take on the appearance of a second legal code.<sup>16</sup> Sanctions attached to a written code of ethics, if any, are likely to be administrative in nature. Administrative sanctions cannot be expected to be a brighter beacon or stronger deterrent to unacceptable behavior than the law. One does not have to be Immanuel Kant to figure out what happened at My Lai was wrong. Because My Lai was so obviously wrong, arguing that a code of ethics would have had any effect on events there is a difficult task. If the Law of Land Warfare, UCMJ, and human decency had no effect, what possible effect is a non-sanctioned code of ethics going to have?

Comparing a code of ethics to the law in this circumstance is like threatening a criminal with a lamb or a vicious attack dog. If a business is already protected by an attack dog, investing in a lamb for added security makes little sense. Such an investment will provide no greater protection and, in fact, will confuse the attack dog.

A code cannot replace current law. Without the ethical code becoming a new and separate legal code, any proposed code of ethics will be less prescriptive than the

Law of Land Warfare and the UCMJ. By adopting a code that is less prescriptive, the Marine Corps will run the risk that the guidance provided by such a code will be interpreted to be less restrictive than the Law of Land Warfare or UCMJ. If the code is interpreted to be less restrictive, codification would have the odd effect of perhaps causing atrocities that might have been avoided. Should the code be interpreted to be more restrictive, the Marine Corps runs the risk of putting its Marines at greater risk than is necessary. In short, the Marine Corps has an attack dog in the form of the Law of Land Warfare and the UCMJ. The Corps should not confuse the issue by acquiring a lamb, in the form of a code of ethics, to accompany the Law of Land Warfare and the UCMJ.

The difficulty in cobbling a code together is reason enough to suspect that the end product will be ineffective. There are any number of methods for organizing the code and an infinite number of tenets, precepts, traits and rules that could be included. One could effectively argue that all are of equal importance.<sup>17</sup> Inclusion of certain ethical standards in a written code of ethics will necessarily elevate those standards to a higher plane. Conversely, exclusion of a standard may indicate to Marines that excluded traits are somehow not as important as those included. How does one decide which are important enough to include? How does one know what to exclude? Is

unselfishness less important than loyalty, honesty, courage? Is integrity more important than judgment? So how does one know which to elevate in stature by virtue of being singled out for inclusion in a written code?

The form by which to capture whatever is included in a code of ethics offers as many troubling questions. If the broad descriptive approach, such as identifying several traits, rules or precepts, is adopted how can one ensure there is common understanding of the broad concepts? Relativism is alive and well. If the broad approach is adopted, it will require relying on the very relative judgments which led to the call for codification in the first place. If a more prescriptive code is adopted, the problem with the legalization of the code is inherent. The code cannot be expected to act as a second legal code. Any efforts along this line will only serve to confuse the issues and be redundant.

There is a great likelihood that the precepts of the code will conflict, causing confusion in their own right.<sup>18</sup> That the code will, at one time, tell Marines they must obey orders from seniors while rejecting those which they deem to be unlawful is not inconceivable. Neither is it beyond the realm of possibility that the code will demand expedient, efficient military action while at the same time placing constraints on the Marines executing the military action. These competing objectives will serve only to confuse the

Marine in the stress of combat. The Law of Land Warfare, ROE, and UCMJ already quite adequately cover the actions of Marines in combat.

No code will adequately capture the essence of what being a Marine is all about. Part III of the literature review only scratches the surface, but those historic sources of ethical guidance include more information than could be placed in a code. The Marine Corps would be better served to make use of the documents already in existence than trying to create a grab bag of disjointed and incomplete tenets or precepts to teach ethics. Thomason speaks eloquently of the honor of service as a Marine. He addresses the molding of Marines from separate and distinct backgrounds into effective combat units. Lejeune addresses the very essence of leadership in his appeal for the teacher-scholar, father-son approach to officer, enlisted relationships. The Band of Brothers Principles are more than adequate to describe what is expected of a Marine when they join a unit. What can a code add?

Finally, the adoption of a written code of ethics will signal to some that the Marine Corps has lost its way. Codification of ethics will signal something has gone drastically wrong. The age-old, tried and true leadership that has guided the Corps through 217 years of history and tradition has somehow failed this generation. The esprit that Thomason has written about is dead in today's Corps.

The timeless philosophy of General Lejeune is not applicable to this generation. The Band of Brothers has degenerated into something not worthy of that title. If any of these statements are true, the way back to the path will not be found in a code. The return to the ethical path will be found by returning to the leadership style that Lejeune has outlined for the Corps. Lejeune's philosophy of leadership is the way back to the esprit Thomason found as he "marched up the Paris-Metz road to meet the Boche in that spring of 1918."<sup>19</sup>

### PART III. COMPARATIVE ANALYSIS

This final section will analyze whether the proposed codes, introduced in part II of the literature review, offer anything new to the Marine Corps. What follows is a comparative analysis of part II and part III of the literature review. This analysis will reveal if the proposed codes offer anything new or are simply a restatement of what has been in the Corps' training and history for a long time.

How the Marine Corps has arrived where it is today without a written code of ethics is a function of the moral fiber of America and the Corps' storied history and tradition. Part III of the literature review is just the tip of the iceberg as to what is available to Marines and Marine leaders to instill a sense of ethics. Tradition and

leadership are the backbone of the ethical training in the Marine Corps. These two sources are not easy to quantify, not easy to reduce to a typed page of precepts or tenets. They are not at all easy to reduce to four or five traits. This portion of the analysis will indicate whether the Marine Corps' historic sources of ethical guidance are in sync with those represented in the proposed codes.

General Buckingham's article addresses primarily senior officer leadership techniques. However, he does posit three rules which might act as tests to determine if a contemplated action is ethical (Though the purpose of General Buckingham's article is not to offer a code of ethics for the military). The general expresses his rules as follows:

Essentially, what is right is that which enhances the accomplishment of our basic purpose, the common defense, provided that it is consistent with our overall view of the value and dignity of all human life and that the means to accomplish it are acceptable. Or, ask these three questions: Does the action we are about to take or the policy under consideration contribute to the national defense? Is it consistent with the protection and enhancement of life? Are both ends and means consistent with our national values?<sup>20</sup>

General Buckingham's code is expressed in the form of three rules or tests. Because of their broad nature, the rules require a great deal of critical thought. The second question causes debate even today with respect to the morality of using the nuclear bombs to end World War II. Strong arguments can be presented on both sides of the

issue. President Truman's critical thought process brought him to the conclusion that the nuclear bombs would in fact save lives in the long run by bringing the war to a quick end. Others argue the bombing was made necessary only by allied insistence on an unconditional surrender of the Japanese. Less informed opinions include the judgment the bombs were dropped because of the racial inclinations of the American government. At any rate, the rule, when applied to this situation, provides no immutable truth about what the correct action in this situation should be.

The same argument can be applied to the second rule. The rule presupposes a consistent understanding of national values. However, General Boomer's call for a formal code is based on the opinion that the common moral underpinnings, which once held the nation together, have somehow eroded. As with the first rule, there is no common understanding of how to apply this rule because of competing national values. During World War II, for example, the nation valued liberty but interned citizens of Japanese descent because the nation valued security more. Here there were two competing values. On the one hand, a need for the security of the nation, on the other, the liberty of her citizens. The administration, in this case, through its critical thought process placed security over liberty. Forty-five years later the Reagan administration would believe the policy was in error and offer compensation to those who were interned.

The fact that these rules do not offer any universal truth by which to judge action is only secondary to the primary argument. The real problem with Buckingham's rules is they offer nothing new. Buckingham himself cites the Constitution as the source of his first rule. He writes,

The moral justification for our profession is embedded in the Constitution—"to provide for the common defense." We are that segment of the American society which is set apart to provide for the defense of the remainder of that society.<sup>21</sup>

Clearly, the first rule offered by Buckingham is restated from the Constitution and, as such, offers no real new concepts which must learned. The first rule simply restates an idea as old as the Constitution itself.

Buckingham's second rule can be traced to several sources. First, the preamble of the Constitution addresses concepts such as justice, domestic tranquility, general welfare, and liberty, all of which can be said to enhance life as Buckingham's second rule seeks to do. The Law of Land Warfare and the UCMJ deal directly with the protection of human life. These two instruments provide clear guidelines with respect to the taking of life, in war and during peace. ROE further define what Marines may and may not do during periods of conflict. ROE are designed to provide maximum protection to the Marine while at the same time limiting violence to a level consistent with mission accomplishment. These sources are a much more complete and

prescriptive set of guidelines than those provided by Buckingham's second rule.

The Constitution's preamble and the Bill of Rights give rise to the final rule. The Constitution is widely accepted as defining the national character. The values expressed therein could rightly be called national values. But the rule offers no guidance on how these values are to be interpreted. If the theory of relativism is to be accepted, there are likely to be any number of interpretations of these national values, many significantly different.

Arguing against the rules forwarded by General Buckingham is difficult. The rules provide a good instructional tool for the teaching or discussion of ethics. But to adopt these rules as a formal code of ethics would add nothing to the body of ethical guidance which does not already exist.

Gabriel's code of ethics for soldiers is a more comprehensive and prescriptive attempt at the codification of ethics. When analyzed closely though, Gabriel simply borrows from the existing body of ethical guidance to form a code which, no doubt, expresses the author's ideas of what are the most important points from that existing body of literature. Other authors, no doubt, would emphasize different aspects.

Gabriel's first tenet, "The nature of command and military service is a moral charge that places each soldier at the center of unavoidable ethical responsibility."<sup>22</sup>

Gabriel explains command is the center of the military profession and requires that those privileged to command must do so ethically. Command must never be viewed simply as a ticket to be punched to advance one's career.<sup>23</sup>

Gabriel's tenet and the tenet's explanation, aside from not being nearly as eloquently stated, expresses the same concerns as General Lejeune's teacher-scholar, father-son analogy of leadership. Lejeune speaks compellingly of the responsibility of the commanding officer for the physical, mental, and moral welfare of the Marines under their charge. Lejeune, as Gabriel, emphasizes the nature of command. Lejeune, as Gabriel, links the nature of command with the moral responsibility bound to command.<sup>24</sup>

Lejeune's analogy has two advantages over what are essentially the same points made by Gabriel. First, General Lejeune, as a former Commandant of the Marine Corps, has instant credibility among Marines, Gabriel has none. Second, General Lejeune's words have been part of Marine Corps tradition since 1921. As such, many Marines have already inculcated Lejeune's words.

Gabriel's second tenet focuses on integrity. Gabriel's second tenet states, "A soldier's sense of ethical integrity is at the center of his effectiveness as a soldier

and leader. Violating one's ethical sense of honor is never justified even at the cost of one's career."<sup>25</sup>

The Marine Corps addresses integrity as one of the Corps' Leadership Traits. Additionally, the Marine Corps' Standards of Personal Conduct offers the following bullets on integrity, "The strength of character to act properly; Always being honest, candid, and upright; Abiding by uncompromising standards of virtue and honesty."<sup>26</sup> Given this broad explanation of integrity, the explanation of integrity found in the Standards of Personal Conduct must encompass Gabriel's tenet.

Gabriel's third tenet addresses soldiers' trust and responsibility in and to one another. The third tenet states, "Every soldier holds a special position of trust and responsibility. No soldier will ever violate that trust or avoid his responsibility by any action, no matter the personal cost."<sup>27</sup> The trust which Gabriel writes about goes hand in glove with his concept of integrity as outlined in the second tenet. The crux of this tenet is that soldiers will not place pleasing superiors for personal gain over the good of the unit, or organization.

This is the soul of the Band of Brothers principles. The Band of Brothers likens the unit to family. The principles state, "A unit, regardless of size, is a disciplined family structure, with similar relationships based on mutual respect among members."<sup>28</sup> The principles

also make reference to telling the truth, and giving 100% effort to the unit mission. The Band of Brothers principles place the unit over individual, which coincides with Gabriel's third tenet. Further, leadership traits such as loyalty and unselfishness address the essence of Gabriel's third tenet. This tenet offers nothing that the Band of Brothers principles do not already adequately address.

The fourth tenet offered by Gabriel will cause some controversy among Marines. The tenet states,

In faithfully executing the lawful orders of his superiors, a soldier's loyalty is to the welfare of his men and mission. While striving to carry out his mission, he will never allow his men to be misused in any way.<sup>29</sup>

Although Gabriel believes the welfare of the unit should be placed over mission accomplishment, he does not feel this stance is inconsistent with placing the unit in harm's way. Nor is this stance to be interpreted as acquitting the commander of his responsibility to carry out his mission.<sup>30</sup>

While Gabriel has his priorities reversed, the notion of looking after the welfare of the unit is well taken. Under ideal conditions, the two concepts are mutually supporting rather than mutually exclusive. By accomplishing the mission, the welfare of the unit will follow. For example, a unit is pinned down and taking casualties from a machine gun position at a rate of five every ten minutes. An organized assault on the position

will result in ten casualties in five minutes. Gabriel may view the assault as a waste of one's men. The commander should just wait for air or artillery to do the job. If the coordination of the air or artillery takes longer than ten minutes, casualties will be greater than the assault, which at first appears to be an unnecessary exposure of one's unit to risk. Actually the accomplishment of the mission in this case indeed benefits unit welfare. Gabriel's approach seems to presuppose a desire to needlessly use the lives of Marines. Nothing could be further from the truth.

While the two concepts, unit welfare and mission are complementary concepts, they are better addressed in General Lejeune's teacher-scholar, father-son analogy, the Band of Brothers principles and the leadership principles than Gabriel's tenet. Lejeune's analogy clearly addresses the place that the lives of Marines and their well-being should hold in a leader's heart. The Band of Brothers principles speak to mission accomplishment. Finally, the Marine Corps' last leadership principle strikes at the heart of Gabriel's concern. This principle states, "Employ your command according to its capabilities."<sup>31</sup> Short of misplacing his priorities, Gabriel's fourth tenet offers no new ideas.

Gabriel lumps his fifth and sixth tenets together. These tenets are as follows:

A soldier will never require his men to endure hardships or suffer dangers to which he is unwilling to expose himself. Every soldier must openly share

the burden of risk and sacrifice to which his fellow soldiers are exposed.

A soldier is first and foremost a leader of men. He must lead his men by example and personal actions; he must always set the standard for bravery, courage and leadership.<sup>32</sup>

Most of what Gabriel is targeting in these two tenets can be boiled down to the Marine Corps' leadership principle, "Set the example."<sup>33</sup> Setting the example requires Marines to lead from the front. The example cannot be set from a bunker or in the rear area while the unit faces great risk. A more serious problem for Marine leaders is probably taking too much risk. In order to fulfill the obligation to set the example, the Marine leader more often than not will take the most risks.

Another Marine leadership principle that applies to these tenets is, "Ensure the task is understood, supervised and accomplished."<sup>34</sup> Supervision, the last and most important Marine troop leading step, necessitates the leader being forward and sharing the risk. Supervising, like setting the example, cannot be accomplished without the leader being forward, and in most cases, being exposed to more danger than the average Marine in the unit.

Gabriel's seventh tenet is, "A soldier will never execute an order he regards to be morally wrong, and will report all such orders, polices, or actions of which he is aware to appropriate authorities."<sup>35</sup>

The problem addressed by Gabriel in this tenet is addressed by the Law of Land Warfare and the UCMJ. The problem centers around the idea of lawful orders. The act of issuing an order does not in and of itself make that order lawful. An order to kill prisoners is inherently wrong, and a Marine may refuse such an order. More important than the legal grounds upon which an order may be refused is the moral reasoning leaders use to avoid issuing such orders in the first place. A junior Marine will use moral reasoning as well to recognize and refuse such orders. If the Marine Corps establishes a sense of integrity throughout the Corps, the legal basis for refusing an order such as this will be moot because the order will never be given. If the order is given, the legal status of the order will be secondary to the order's moral content. An order can meet the letter of the law and at the same time be immoral.

The eighth tenet is, "No soldier will ever willfully conceal any act of his superiors, subordinates, or peers that violates his sense of ethics. A soldier cannot avoid ethical judgments and must assume responsibility for them."<sup>36</sup>

The crux of the matter in this tenet focuses on the virtues of honor, integrity and accepting responsibility. Living by high moral standards, acting responsibly, and being willing to be held accountable for one's actions are

characterizations of the virtue honor, as outlined in Standards of Personal Conduct. Strength of character and uncompromising standards of virtue along with honesty (that are the hallmark of integrity coupled with a sense of honor) obviate the need for this tenet.<sup>37</sup> The second leadership principle states Marines should "Seek responsibility and take responsibility for your actions."<sup>38</sup>

The ninth tenet provided by Gabriel states, "No soldier will punish, allow the punishment of, or in any way harm or discriminate against a subordinate or peer for telling the truth about any matter."

There are, of course, legal protections and rights which are provided to guard against such retribution. Further, the Marine leadership principle, "Know your subordinates and look out for their welfare," addresses the subject more directly.<sup>39</sup> This principle addresses Gabriel's concern about retribution, unless one presupposes that the leadership will ignore the principle in the case of a whistle-blower. If that is the case, Gabriel's tenet will work no better.

Gabriel's final tenet is focused on the spirit of camaraderie:

All soldiers are responsible for the actions of their comrades in arms. The unethical and dishonorable acts of one diminish us all. The honor of the military profession and military service is maintained by the acts of its members, and these actions must always be above reproach.<sup>40</sup>

In essence Gabriel strikes at the concept of leadership in its broadest sense to avoid groupthink atrocities and embarrassments caused by loose cannons. Honor, integrity, setting the example and supervision can ensure groupthink actions, such as My Lai, and embarrassments caused by loose cannons, such as in Iran-Contra, do not occur in the Marine Corps. Standards of Personal Conduct addresses this topic when the lesson plan defines camaraderie, in part, as "Marine Standards and values hold us together as a team of professionals. Therefore, maintain standards and adhere to our Core Values."<sup>41</sup>

Most of Gabriel's tenets relate back to the virtues of honor and integrity as defined in the Marine Corps lesson plan, Standards of Personal Conduct. The tenets posited in Gabriel's approach offer a good instructional tool, but as a code they offer nothing that is not already incorporated into one of the historic sources noted in part III of the literature review.

General Taylor's ideal officer is one who could accomplish all missions and, while doing so, get the greatest return on available resources. The Standards of Personal Conduct sum up Taylor's ideal officer when the lesson plan addresses the Marine Corps motto and excellence. The Marine Corps lesson plan addresses the idea of mission accomplishment in several places but none more succinctly

than under the heading of the Marine Corps motto Semper Fidelis. The lesson plan says, "Marines embrace 'Semper Fidelis' as our motto. Always faithful to country, Corps, and each other,--accomplishing our mission for the greater good."<sup>42</sup> General Taylor's notion of getting the greatest return on available resources is addressed in the lesson plan as it deals with the subject of excellence. The lesson plan asserts, "Work to demonstrate all that is highest in military efficiency and soldierly virtue."<sup>43</sup> These two ideas forwarded by the Marine lesson plan on personal conduct effectively state the same tenets as General Taylor.

General Taylor next posits ten virtues or traits which would identify the ideal officer. Four, justice, reliability, integrity, and loyalty are the same virtues as found among the Marine Corps' fourteen leadership traits. General Taylor's concepts of patriotism, human understanding, and inspirational power are all addressed by General Lejeune in the Marine Corps Manual. Of patriotism Lejeune says "make every effort by means of historical, educational, and patriotic address to cultivate in their hearts a deep abiding love of the corps and country."<sup>44</sup>

Lejeune's entire remarks on leadership and officer enlisted relationships speak to human understanding and inspirational power. The teacher-scholar, father-son analogy is the best and most often quoted example of human understanding and inspirational power.

Taylor's final two traits, duty and self-discipline, are addressed in the personal standards lesson plan. Sense of duty is addressed under the heading of discipline and responsibility in the lesson plan. Though not using Taylor's exact words, the lesson plan strikes at the heart of what contributes to and makes up a sense of duty when it remarks, "Do what needs to be done. Not because of fear of punishment or mere obedience, but because it is the right thing to do."<sup>45</sup> Under the same section, the lesson plan cites self-discipline twice, once pertaining to the prompt accomplishment of responsibilities even in the absence of orders. The lesson plan cites self-discipline a second time as a means to overcome fear.

Taylor's next topic addresses the truthful officer. This truthfulness can be boiled down to honor and integrity. These two virtues seem to be the linchpins in Taylor's and Gabriel's proposed codes. The personal conduct lesson plan gives a concise explanation of what is expected of Marines with regard to these two virtues. Taylor's concern for truthfulness is well founded but not a new concept.

General Taylor's idea of the ideal officer's obligations to carry out lawful orders he believes will be impossible to execute or only at a very high cost, squares well with the Marine Corps leadership principle of employing one's command according to its capabilities. The thought process of determining if the command is being employed

properly is interesting and worth study, but the overall concept has already been addressed.

Taylor leaves his reader with a test for determining if a contemplated action is good or not. He boils this down to a simple test: that which leads to mission success is good; that which mitigates against mission success is bad.<sup>46</sup> This concept for determining the worth of an action relates directly to the thought that Marines will work to exhibit all that is highest in efficiency. This efficiency would not allow for anything which might detract from mission accomplishment.

General Taylor has a new and unique method for organizing his thoughts on the codification of ethics. He borrows from the traits and tests methods for developing his ethical guidance. But in the final analysis, there are no new tenets or ideas. They have all been adequately addressed in the historic sources of literature from part III of the literature review.

DeGeorge's code, which derives six tenets from three virtues, begins with general traits which give rise to more specific tenets. The first virtue which DeGeorge identifies is peacefulness. The tenet which DeGeorge derives from this virtue is, "I shall prefer peace to war, and realize that the military serves most effectively when it deters and so prevents war rather than when it engages in it."<sup>47</sup>

The key to deterrence of war can be found in maintaining a fit and ready fighting force. General Lejeune's leadership writing specifically addresses the leader's responsibility to ensure their units are fit and ready as they serve the nation and Corps. The personal conduct lesson plan addresses this issue when it describes a Marine as "As a member of an organization which proudly serves our Nation as a premier force-in-readiness."<sup>48</sup> (Emphasis mine) Readiness is what deters aggression. Marines are dedicated to readiness. As the once popular Marine slogan proclaimed, "Nobody likes to fight, but somebody has to know how." Marines make a profession of knowing how to fight in order to act as a strong deterrent to the nation's enemies.

The second virtue, restraint, is not addressed specifically in the historic literature, but restraint's near cousins self-discipline and self-control are discussed at length in the Standards of Personal Conduct lesson plan. Restraint gives rise to DeGeorge's second tenet, "I shall use the utmost restraint in the use of force, using only as much as necessary to fulfill my mission."<sup>49</sup>

The Law of Land Warfare and the UCMJ address the issue of excessive use of force, as will effective ROE. These sources notwithstanding, the idea of military efficiency mitigates against the use of excess force. In combat, resources will be scarce. The prudent military

leader will not squander precious resources by allowing the destruction of unnecessary targets. Neither will the efficient leader allow one more bomb to drop than is absolutely required.

DeGeorge's final virtue is obedience. This virtue gives rise to four tenets. The first two tenets deal with legitimate orders and declare, "I shall obey all legitimate orders, but only legitimate orders." and "I shall always remember that those beneath me are moral beings worthy of respect and I shall never command them to do what is immoral."<sup>50</sup>

The first tenet addressing obedience was examined earlier. The Law of Land Warfare and the UCMJ support DeGeorge's notion of executing only lawful orders. The notion of issuing only moral orders runs to the heart of General Lejeune's leadership guidance issued in the Marine Corps Manual. Issuing moral orders also strikes at the notion of setting the example and looking out for subordinates' welfare.

One cannot look after a subordinates' welfare while ordering them to commit immoral acts. Neither could a leader claim responsibility for the moral development of their subordinates, as Lejeune demands, and at the same time order them to do what the leader knows is immoral. These two tenets go hand in hand. If immoral orders are not to be followed, leaders, in turn, should not issue them.

DeGeorge's fifth tenet hits at how an order is carried out, "I am responsible for what I command and how my orders are carried out."<sup>51</sup>

The first portion of this tenet, addressing accepting responsibility, has already been addressed. The second portion of the tenet, dealing with responsibility for how orders are carried out, is addressed in the Marine Corps leadership principle ensuring that orders are understood, supervised and accomplished. DeGeorge's concern for how the orders are executed is answered in the supervision required by the leadership principle which states, "Ensure that tasks are understood, supervised and accomplished."<sup>52</sup> Supervision ensures that the order is properly executed.

DeGeorge's final tenet was addressed earlier, "I will never order those under me to do what I would not myself be willing to do in a like situation."<sup>53</sup> As with Gabriel's concern that the danger be shared, DeGeorge's final tenet, when examined next to the leadership principles discussing supervision and setting the example, is not really a new idea.

Fotion and Elfstrom do not offer codes per se but argue for adopting a number of different types of codes. While this is a novel approach, the types of codes they recommend are incorporated in existing historic documents.

The first type of code offered by the authors is referred to as an internal code. The internal code would

address five areas. Following and giving orders are the first two. This subject has been discussed in several places already, and clearly there is sufficient existing direction on this subject. Following and giving orders do not need to be further addressed in a formal code.

Next, the authors relate the need to cover abuse of others, treating people fairly, and doing one's job conscientiously. The UCMJ has prescriptive rules for the treatment of military personnel to avoid physical abuse. The Band of Brothers is another document that describes how Marines are to treat each other but more along the lines of fairness and decency. Finally, the personal conduct lesson plan, under the heading of spirit and camaraderie, gives six bullets for team building and professional behavior. All of these documents address the requirement for Marines to perform their duties to the best of their ability. Fotion and Elfstrom's first code offers nothing which does not already exist in the Marine Corps' existing body of literature.

The second code the authors offer is called a creedal code. This code would be a preamble to the internal code and have special meaning for officers. The creedal code could be stated in broad terms such as duty, honor, country. The other option, according to the authors, is for the creedal code to be expressed as a list of traits that an ideal leader might have. The brief description provided is

evidence enough that the Marine Corps has already captured this information. The broad terms are the Marine Corps' Core Values, Honor, Courage, Commitment, as expressed in the personal conduct lesson plan. The traits approach has been a part of the Marine Corps since the leadership traits were first published. In short this approach has already been done.

The next code suggested by the authors is the fighting code. As this title might lead one to believe, this code is geared to address how Marines would behave toward the enemy and civilians during periods of war. Adoption of a code of this nature was examined earlier. A fighting code would serve only to confuse the guidance already provided by the Law of Land Warfare and the UCMJ. Further, the flexibility provided by ROE, which rise from the Law of Land Warfare and the UCMJ, is better for adapting rules of war to the specific situation.

The final code offered by the authors is named the prisoner's code. The description the authors offer of this code could be used to describe the Code of Conduct currently used by the Marine Corps. The authors describe the prisoner's code this way:

This code would cover conditions under which it is permissible for someone to surrender, what one should do about escape, what kind of information one should give to the enemy, how one should cooperate with the enemy, and how one should respond to fellow prisoners and senior ranking officers.<sup>54</sup>

A quick examination of the Code of Conduct will demonstrate the points outlined by the authors are already quite adequately covered, as are all of the points proposed by in the other codes above.

Sorley's approach to codification is unique, not because the precepts he offers are new, but because, he examines the codes with respect to key relationships. Rather than focusing on the tenets which the author offers, the examination of the relationships will be sufficient to demonstrate that the Marine Corps has a sufficient body of literature to cover these relationships.

The first relationship which Sorley addresses is the relationship with peers. Sorely sees character and competence as being the foundation upon which an individual's reputation rests. Peer relationships are the key to one's professional reputation.<sup>55</sup>

The Band of Brothers principles is an excellent guide for the conduct of Marines among their peers. The principles speak of mission accomplishment and supporting one another. More importantly, the principles address one of the keys to Sorley's peer relationships, which is the respect deserved among peers. Additionally, the personal conduct lesson plan addresses the subordination of individual goals for unit goals.

The next relationship which Sorley covers is with superiors. As might be expected, the issue of obeying

orders is addressed here. As is the notion of loyalty, which is one of the Marine Corps' leadership traits. Honor is addressed in the context of establishing an ethical stance among peers and superiors. Honor is specifically covered in the Standards of Personal Conduct as it applies to the Marine Corps' Core Values. These points are addressed by Sorley in the context of following orders and creating a climate where the immoral order will not be issued because the commanding officer will know where his subordinates stand. The issue of orders, issuing of and following, is well established as having sufficient material to guide Marines.

The relationship between senior and subordinate is the last relationship which Sorley examines. General Lejeune's piece from the Marine Corps Manual offers all the guidance which is necessary for this relationship. All told, Sorley offers another unique method of examining the application of codes and the methodology for codification, but he offers no new information.

The final code which requires examination is Axinn's two test code. Axinn's rules are borrowed from Immanuel Kant, and have to do with actions being able to withstand the test of publicity to be considered moral. The two rules are "All actions that effect the rights of other men are wrong if their maxim {rule} is not consistent with publicity." and "All maxims {rules} that require publicity

(in order not to fail of their end) agree with both politics and morality."<sup>56</sup> The publicity test requires that a decision be made based on whether a considered action, if made public, would be acceptable. The second test states, if the action requires publicity to be successful (such as speed limits), the action is acceptable.

According Kant's second rule, because the body of literature is openly published, the literature itself must be acceptable. If the action one takes in the field is based on this openly published literature, reason would hold, those actions would be acceptable. Axinn's tests serve to verify the body of literature but add nothing to it.

The approaches the authors have taken have been varied and many. Together, they offer a wide view on the subject of the codification of ethics. The lessons to be learned about ethics in general and about the codification of ethics specifically, are many. But for all the thought, the varied approaches and unique applications, the authors have failed to raise a single issue which is not already addressed by the current body of literature which guides the Marine Corps.

## CHAPTER FIVE

### CONCLUSIONS AND RECOMMENDATIONS

Conclusions. The Marine Corps should not adopt a written code of ethics. The advantages of codification are far outweighed by the inherent disadvantages of written codes. Also, the proposed codes do not really offer anything new in the way of ethical guidance.

The first advantage cited in favor of codification, that codification could somehow mitigate against the relativism which prompted Boomer to call for a code in the first place, cannot be taken at face value. An opposite opinion is expressed by Narel who believes military service is incompatible with being a true relativist. While many may claim to be relativists, the true relativist could not swear allegiance to the Constitution because, being a relativist, they could hold the Constitution in no higher esteem than any other document.<sup>1</sup>

The problem with Narel's reasoning is that he has taken the problem too literally. There is little doubt that there are and have always been relativists in the Marine Corps. However, the problem with relativism today is that it is compounded by the fact that most are not pure relativists. They are relativist with respect to only their

own way of thinking. In this respect, they can be referred to as ego-relativist.

Ego-relativists place their relative ethics on the same level with commonly accepted ethics. They may believe beating and robbing a stranger in their neighborhood is perfectly acceptable because that is how the group of people they associate with behave. However, these same people would find being beaten and robbed by the police unacceptable. They are relativist because they justify their actions based on the expectations of their group. They are egoists because they justify only their group's aberrant behavior while expecting that commonly accepted ethics will be applied to them. Simply put, the problem is much larger than the straightforward live-and-let-live attitude that a true relativist could be expected to support.

While General Boomer believes codes can temper relativism, it is difficult to accept on face value that the mere adoption of a written code of ethics will compensate for the failure of home, church, and school to instill a proper sense of ethics. These institutions have the ability to influence young people through the most formative years of their lives. If youngsters have not been taught acceptable behavior by the time they join the Marine Corps, then a code of ten, twenty, or one hundred precepts is going to be of little value. What can temper relativism is the

approach expressed by General Lejeune. The father-son, teacher-scholar approach to leadership is the most, possibly the only, sensible strategy for dealing with the tragedy of a youth becoming a Marine with little or no ethical background or training.

Although the proposal of a written code of ethics to combat relativism appears appealing on the surface, codes really offer nothing which the Marine Corps does not already advocate. Expecting a written code to cure relativism would be like administering pain killer to a cancer patient. Codes would treat the symptoms but do little to remedy the disease. The approach to combating creeping relativism in the Marine Corps should be one of total leadership as advocated by General Lejeune in 1921. Further, Marine leaders should continue to speak out frankly, as General Boomer has done, about ethical problems such as relativism. This evil will not be cured until there is a total assault from home, school, and church.

The argument for a code in order to more quickly assimilate recruits into the organization, thereby giving them the common ethical guidance that will moderate relativism, must assume that there is no guidance already in place. Marine recruits receive training on Law of Land Warfare, Band of Brothers, and most importantly Marine Corps history. One cannot be assume that a written code of ethics is going to be the Holy Grail to bring recruits into an

ethical way of thinking. A code would, at best, be an addition to current training.

Current Marine Corps advertising answers claims that the adoption of a code of ethics will attract the proper type of recruit. The advertisement with the knight striking down aggressive and nefarious looking chess pieces, then being transformed into a Marine, sends a powerful message to the public about the type of individual the Marine Corps is interested in. Another advertisement features the words HONOR, COURAGE, COMMITMENT, as they scroll up the back of a Marine in dress blues. In answer to Gabriel, the Marine Corps has always attempted to attract individuals based on a concept of being a Marine, rather than the promise of a job, adventure, or technical training.

The argument to adopt a written code to eliminate divergent understanding of an oral tradition of ethical training assumes two things. First, those who might feel this way would seem to argue that our current training does not make use of written documents. Of course this is not true. Every document cited in part III of the literature review is a written document. Second, simply writing a code out does not ensure universal understanding and agreement on what the writing means. A whole cast of lawyers make a good living interpreting what the law says. Often they take opposite positions on the meaning of the same law. If a written code of ethics is adopted by the Marine Corps, the

code will be open to much discussion and varied interpretations.

The idea of using a written code of ethics to somehow bridge the gap between the civilian and military communities is a curious one indeed. The idea smacks of advocating the creation of a facade akin to the Eddie Haskell character on the "Leave it to Beaver" show. This approach is certain to be as successful in fooling the public as Eddie was in fooling Mr. & Mrs. Cleaver.

The adoption of a written code for the purpose of appearing ethical to the public is just plain wrong. This notion takes on all the characteristics of Machiavelli's prince whose only use for good qualities is to appear good, irrespective of the true nature of his character. The key is simply to act ethically. By acting ethically, the actions create the desired appearance. Certainly, the Marine Corps will not buy into an Eddie Haskell approach to ethics by adopting a code simply to appear ethical.

A more difficult problem to address is the notion that a written code will help to improve civilian appreciation for the military and thereby reduce the remoteness between the two communities. The single most effective way to reduce this remoteness and improve civilian appreciation for what the military does is to reinstate the draft. This will do what no written code could, provide the

actual experience of military life to a larger cross-section of the citizenry.

If the appreciation of military life and the remoteness of military and civilian communities is such a grave issue, why advocate the half-step measure of adopting a written code? No author has advocated the resumption of the draft, which would be a more effective method for alleviating the problem Gabriel and Davenport identify. If solving these problems is just an additional benefit of the adoption of a written code, it is difficult to understand how the code will accomplish what 217 years of history based on historic documents such as the Constitution have failed to do.

When approaching the challenge of perception of the citizenry toward the Marine Corps, the character of the institution must be well established. When a priest has committed a sin, the church has not failed but a member of that institution. The priest not the institution must be condemned. Along the same line, when a Marine (or former Marine, as is often cited in news stories) commits a crime, the individual must bear the responsibility not the institution. However, if the institution has such an enormous number of its members involved in reprehensible acts, the public will soon become suspicious of that institution. In a case such as this, a written code will provide little cover for the organization.

Gabriel will argue that only individuals and not institutions can act morally. There is room for argument in this notion. Wenker has pointed out that institutions have practices of action and conceptual practices. Practices of action relate to the way things are done. Conceptual practices relate to the way the institution thinks about things. The idea of command climate strikes at the notion of conceptual practice. Command climate is not an individual but rather a feeling of what the organization holds dear. If the climate is right, individual ethical transgressions will be rare indeed.

The institution can do a lot to establish itself on the moral high ground and by doing so accomplish two things. First, the institution will be associated with a proper ethical climate. This association will be valuable in attracting like thinking individuals into the organization, which is important to Gabriel and the Marine Corps. Second, when a transgression does occur, the institution's reputation will protect it from the failure of one member who does not genuinely reflect the values of the institution.

No code will ensure perfect conduct. There will always be those who act outside the realm of proper conduct. Because there will always be those who fail to act responsibly, the institution must be above reproach. The institution must provide for swift sanctions against those

who violate the institutional ethic or, as Wenker would call it, the conceptual practices. In order to do this the institution must avoid duplicity.

Rather than the adoption of a written code of ethics to engender public trust, why not adopt a conceptual practice which manifests itself in practices of action? For example, the Marine Corps does not tolerate sexual harassment. But the Marine Corps sells adult magazines which exploit sections of society. A more appropriate conceptual practice backed by a practice of action would be, the Marine Corps does not tolerate sexual harassment. The Marine Corps will not sell adult magazines at any base sponsored activity. The health care cost of alcohol and tobacco are exorbitant. Rather than a policy war of words against these products, the Marine Corps should simply refuse to sell them.

These conceptual practices backed by practices of action are reflective of an institutional ethic of action. This institutional ethic of action is more in keeping with General Lejeune's father-son, teacher-scholar approach to leadership. A concerned father who would sell, for profit, instruments that were sure to have adverse moral and health effects on his children is difficult to imagine. In essence, this is what the Marine Corps does with magazines which exploit, cigarettes and alcohol.

A first step to reversing relativism and improving the public trust in the military is to take on a policy of an institutional ethic of action. An institutional ethic of action will require no boards to sift through endless lists of tenets, traits, or values, which can be expected with the formulation of a written code of ethics. Institutional ethics of action can be exercised at every level of command by simply associating commensurate actions to established policies.

By adopting this approach, the Marine Corps can set the institution on a moral high ground. By adopting the institutional ethic of action, the Marine Corps can expect to have its policies reviewed favorably by the citizenry and thereby attract the portion of the community which most closely resembles the Corps' values. Institutional ethics of action help to solve the problems associated with relativism as well as the perceived remoteness between the military and civilian communities.

The often cited advantage of providing a beacon to Marines in combat is an argument which fails on closer examination. How a written code of conduct, which in all probability will not have sanctions attached, will prevent what the sanctioned Law of Land Warfare and UCMJ failed to is difficult to imagine. Clearly, what happened at My Lai was not only immoral, it was illegal as well. What place is a written code of ethics to take in crimes of this nature?

Will the code replace the law? How will this code act as a brighter beacon for proper behavior than current law?

Marines are instructed in the Law of Land Warfare and the UCMJ at the entry level and annually thereafter. This instruction is aimed at preventing incidents such as My Lai. The instruction is currently straightforward containing direct commands, "You can do this. You can't do that." Commands such as these are, for the most part, easily understood. Adding tenets or precepts which rely heavily on the critical level of thinking by Marines in the heat of combat only serve to confuse the issues at hand.

However, the arguments above are only ancillary to the heart of the problem. The true cure for cases such as My Lai, murder and rape, is good leadership and the right command climate. In the absence of any other guiding documents, laws, or orders, good leadership and the right command climate can prevent the vast majority of the groupthink atrocities that those who argue for a code worry about. Had there been any leadership or common decency at My Lai, the incident could have been avoided.

Further, fashioning a set of universally acceptable tenets, which would provide useful guidance and fit the varied situations in which Marines are likely to find themselves, is next to impossible. The tenets that apply to Operation Restore Hope are far different than those practiced in Operation Desert Storm. The situation on the

ground in Saudi Arabia called for one set of guidance while the situation in Panama required a completely different set of instructions. Operation Just Cause required a completely different set of rules than Operation Urgent Fury, and so on, and so on.

Fortunately, the military has a mechanism to deal with the constantly changing circumstances on the ground. That mechanism is called ROE. ROE are tailored regulations which guide the Marine in the stress of combat. ROE provide the basic rules for engaging targets. The ROE provide for a level of violence commensurate with the mission. They are the canon which a Marine uses to avoid having to go through the time consuming critical thought process, which is the aim of Fotion and Elfstrom.

ROE offer the advantage of not only being tailored for the situation, but they also can be changed as the situation changes. The Fotion and Elfstrom approach to this problem calls for establishing universal truths that can be applied in every situation. This is akin to a carpenter cutting his lumber before he measures or even before he gets to the job. The ROE approach takes into account the environment with respect to surroundings and mission. Once in place, the Fotion and Elfstrom approach would be more or less fixed. The current ROE method of addressing this problem allows for the adjustment of the ROE based on the changes in military circumstances on the ground.

The argument may be made that what is being proposed are broad guidelines around which the ROE can be built. By establishing the broad guidelines, the creation of the specific ROE would be made that much easier. However, the broad guidelines already exist in the form of the Law of Land Warfare and the UCMJ. The Law of Land Warfare and UCMJ provide the guidance to fashion an easily understood ROE. The Law of Land Warfare and UCMJ are a nearly all-inclusive basis from which to build ROE. These two documents have the advantage of being a ready-made, tried and true method for dealing with the development of ROE. As with the groupthink scenario, a code of ethics will serve only to confuse the issue.

The idea of fashioning a code as because codification is deemed to be inevitable is not a good course for the Marine Corps to take. Along the same line, the Joint Chiefs of Staff (JCS) have taken the stand that allowing homosexuals to serve openly in the military is prejudicial to good order and discipline. This opinion may change, or a change may be forced on the JCS. Many feel the lifting of the ban against homosexuals is inevitable. However, until either the JCS opinion changes or the change is forced on the JCS, they should continue to voice what they feel is best for the military establishment. In the same way, the leadership of the Marine Corps should continue to demonstrate faith in the ability of the ranks until the

issue is forced, or the leadership has good reason to believe that the adoption of a written code is necessary. The Marine Corps should not give way to what might be an inevitable occurrence.

The only legitimate reason for adopting a written code of ethics is if the leadership feels that a code is necessary, feasible, and a suitable format is identified. The adoption of a code sends the message that confidence in those within the ranks has diminished. Adopting a code is an indication that something has gone wrong within the Corps itself. The adoption of a code indicates that our historic sources of guidance have failed or are inadequate.

There will be those who offer disagreement with the cited disadvantages. Many will claim that ethics can be taught, the only question is what is the best way to teach them. They will contend early ethical exposure is analogous to complicated math problems. Difficult math can be taught to older students just as ethical behavior can be taught to 18-22 year old recruits.<sup>2</sup>

Should this argument be accepted at face value, the utility of a code in the teaching process is still a bit puzzling. Will the code replace the historic documents covered in part III of the literature review, or be an augmentation to them? If the code is adopted to replace the historic sources, then the code will be an extensive code indeed. The code will also, of necessity, be very diverse.

Codification will have to cover peacetime missions as well as wartime missions. A code will have to deal with treatment of noncombatants and combatants. Codification will have to speak to treatment of prisoners, wounded, and refugees. The code will be required to establish rules for proper conduct among peers, subordinates, and seniors alike. There are countless circumstances which the code will have to address if codification is meant to replace the historic sources.

Given the breadth and diversity any code would be required to encase, is the code really going to be effective teaching tool? Probably, it will not. The very complexity of these issues requires detailed and special instruction. That kind of detail cannot be met by trying to role all the historic sources into a code.

If the code is formed to supplement the historic sources of guidance, the problem becomes one of how cobble the code together so as not to detract from the guidance that could not be included in the code. Under the guise of a supplement, those tenets included would be seen as being more important those that were excluded, due to length. The risk is leaving key concepts out because codification must be kept to a reasonable number of tenets.

If ethics can indeed be taught, providing such instruction from detailed and proven documents rather than an incomplete mishmash of tenets taken from these sources

makes the most sense. While one might agree ethics can be taught, codification, which calls for the reduction of broad, complicated, and detailed issues down to a code, is simplistic.

Some may argue against the idea that codes are futile because their tenets can be misapplied and the mere adoption of code does not guarantee compliance. They point out that codes can promulgate the standards to which members of the profession are being held. Gabriel contends an organization is not likely to attain standards which are not outlined in a formal code. The code in and of itself will not produce ethical behavior but rather will provide a standard by which behavior can be judged.<sup>3</sup>

The notion that the mere promulgation of a code or law will ensure compliance to the code or the law is indeed foolish. However, it is not necessary to accept Gabriel's contention that the ethical standard must be published in code. By his own argument Gabriel admits codes cannot be all-inclusive and must rely on the members of the profession to exercise moral reasoning and ethical training to make the code effective. If the code must rely on moral reasoning and ethical training, how will the code be more effective than the historic sources of guidance which currently exist?

The idea that the establishment of a written code could become a substitute for ethical behavior or somehow become the sum of what is expected of a Marine may not be a

legitimate concern to many. They would tend to view the code as a teaching tool rather than the sum of an individual's ethical responsibility. Their contention would be that the code will have little effect without accompanying education in moral reasoning. The emphasis then is on ethical education using the code as tool.<sup>4</sup>

This is a valid argument not only in the case of a written code but also for adherence to the UCMJ and Law of Land Warfare. A Marine has to be able to meet the spirit of the law as well as the letter of the law. The Marines' obligation does not end with the technicalities of law. Marines must practice what Gabriel calls moral reasoning and what Huntington calls informed judgment. These two concepts will be the keys to whatever system for moral training the Marine Corps adopts. Basing this moral judgment on the guidelines established in the historic sources of ethical guidance, vice a less authoritative code of ethics, is the best course of action. The argument fails to address what new information the code will provide and how a code might be a better tool than those which already exist.

The fact that a code will state the ethical responsibilities in an ideal form which could not be met at all times is of little consequence to many who think like Gabriel. He believes that there is honor in the striving for the ideal. The striving in itself tends to ennable the individual according to Gabriel.<sup>5</sup>

Gabriel's point is well taken. The Marine Corps recognizes fourteen traits of leadership. However, the Corps' does not expect that every individual will possess every trait at all times. Rather, the leader should have some combination of the traits which suit the leader's personality and that of the unit. The traits are then applied within the framework of the principles of leadership. So again, it is possible to agree with Gabriel's point but disagree with the points utility to the use of codes. In this case, accepting that there is honor in the striving is possible. Further, one might agree meeting every ethical goal at all times is impossible. The difference lies in the fact that there is plenty of ethical guidance out there to strive for without restating portions of the guidance in a code.

Gabriel attacks the argument that codes tend to become too legalistic by pointing out the difference between ethics and law. Ethics define what individuals ought to do, while law defines what individuals must do. The code of ethics would be stated much more generally than the law and depend on the moral reasoning of the individual to apply the code to different situations. Further, the code would depend on moral sanctions rather than the legal sanctions on which law depends.<sup>6</sup>

Again, agreeing with Gabriel on his premiss that the key is individual judgment or what he refers to as moral

reasoning is easy. The difficulty is a code would serve only to confuse the law and other existing moral guidance, of which there is an abundance. Moral reasoning for Marines is better served to have as its base of education the Law of Land Warfare, UCMJ, the Band of Brothers, and the Code of Conduct rather than an over-simplified code of ten or so precepts.

The argument that the code will be just too tough to put together will sound more like a challenge than a disadvantage to many Marines. The fact the formulation of a code is a difficult assignment is not sufficient reason not to take on the project. Taking on and accomplishing difficult missions is the hallmark of the Marine Corps.

The Marine Corps does relish the assignment of a difficult mission. However, once assigned, Marines will look for the most efficient means to accomplish that mission. In this case, the efficient means to accomplish the mission is for the Marine leadership, like Boomer, to place the ethics issue on the front burner. Once this has been done, the Corps needs to rely on its historical sources for ethical guidance. Lejeune, Thomason, and the Band of Brothers will take the Marine Corps where it wants to go faster and better than all of the codes cited in part II of the literature review combined. If the codification of ethics could tie the question of ethics into a neat package, codification would have been done years ago. The problem is

that tenets cannot be reduced to two, ten or one thousand tenets, precepts, traits, or rules.

The cited disadvantage that precepts of the code may conflict poses little problem for Gabriel. He might contend, the Marine must be able to choose between competing obligations. For Gabriel, all tenets of the code would have the same value. Circumstance would cause the individual to weigh one tenet more heavily than the other.<sup>7</sup>

The fact that the Law of Land Warfare and UCMJ might also conflict and the historic sources are not without conflict, allows for agreement on Gabriel's premise. Further, his contention that the individual must use moral reasoning to determine the best course of action is well stated. But his argument offers no support for the adoption of a code per se, except to say that conflict among tenets is not a bad thing.

With regard to the notion that no code can properly capture the essence of the Marine Corps' traditional sources, the argument can be made that the code will supplement rather than replace the traditional sources. The times are changing and the Marine Corps needs to be progressive to keep pace. The codification of key tenets, precepts, and traits will serve as an easily understood updating of Marine Corps values.

Although, times do change, the values and leadership expected from Marines do not. Lejeune's message on

leadership is timeless. Thomason's eloquent passages are the essence of unity for which Boomer strives. The Band of Brothers by title and content captures the esprit, unselfishness, and gung ho devotion essential to good units. These sources, like the Corps itself, are everlasting and require little embellishment. Attempts to modernize ethics for this generation of Marines, who supposedly do not share the common value, is akin to changing the law to accommodate today's excessive criminal activity. The Marine Corps has all of the ethical sources required. It must use them.

The final disadvantage cited noted that the adoption of a code would signal to many Marines that the Corps had somehow lost its way. This may appear to be an unfounded argument to many. The Marine Corps adopts new policies everyday. The adoption of a formal written code is no different than a change in the uniform regulation:

Changes in the uniform policy, like any other change, are a result of necessity or a perceived problem. The same logic can be applied to the adoption of a formal code. Why adopt a code if everything is on track? Why adopt a code if the traditional sources are working? The adoption of a code will signal the ineffectiveness of Lejeune's and Thomason's works.

All of the advantages, disadvantages, argument and counter-argument aside, the fact is the codification of ethics will provide the Marine Corps with nothing new. For

all of the effort and thought that went into the proposed codes identified in part II of the literature review, the combined authors failed to posit a single idea that does not already exist in the traditional sources currently found in the Marine Corps.

Most of the authors covered in the literature review agree that no code can be expected to stand alone. Any code would need to be reinforced with a comprehensive ethical curriculum. The code would be the basis for developing, what Gabriel refers to as, moral reasoning and what Huntington calls informed judgment. These notions are at the center of the problem. If the Marine Corps is pursuing moral reasoning and informed judgment, the best means to pursue them by is the Marine Corps' historic sources of ethical guidance.

#### Recommendations

1. The Marine Corps should not adopt a written code of ethics. Certain embarrassing public events such as the Moscow embassy incident, Iran-Contra, and Tailhook make one search for easy, simple solutions. The adoption of a formal written code is a simplistic solution to a very complicated problem. Instead the Marine Corps should seek a renaissance in ethical thinking within the Corps. Leaders (all officers and SNCOS) should take every opportunity to place ethics in the forefront of Marines' thinking. Like General Boomer,

they should write of it, they should speak of it, and most importantly, they should live it and not tolerate those who do not.

2. The Marine Corps republishes General Lejeune's birthday message every November 10th at Marine Corps birthday balls around the world. The Marine Corps should find an appropriate circumstance, perhaps at promotion or upon reporting to a new unit, to re-acquaint the leadership with Lejeune's inspirational philosophy on leadership as well.

3. The Commandant should consider forming a panel to ensure the Marine Corps' institutional actions are consistent with its policies and public messages. Once a year the panel would report to the Commandant on the institutional actions which are inconsistent with the Corps' policies and public messages and recommended action to make the two consistent. This panel would be the linchpin in seeing that the Marine Corps' actions reflect an institutional ethic consistent with its policies.

4. The Marine Corps advertising campaign should continue to sound ethical themes. Messages of this type should be expanded to all Marine Corps advertising.

5. Research the effectiveness of the Code of Conduct as an argument that effective codes can indeed be fashioned and will serve the intended purpose.

6. Research the effectiveness of teaching ethics to or changing attitudes of 18-22 year old recruits.

7. Research the feasibility of establishing an ethics panel for the Marine Corps to ensure institutional practices are consistent with institutional policy.

8. Research the feasibility of Marine Corps facilities discontinuing the sale of adult magazines, alcohol and tobacco products.

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## APPENDIX A

### GABRIEL'S PROPOSED CODE

1. The nature of command and military service is a moral charge that places each soldier at the center of unavoidable ethical responsibility.
2. A soldier's sense of ethical integrity is at the center of his effectiveness as a soldier and leader. Violating one's ethical sense of honor is never justified even at a cost to one's career.
3. Every soldier holds a special position of trust and responsibility. No soldier will ever violate that trust or avoid his responsibility by any of his actions, no matter the personal cost.
4. In faithfully executing the lawful orders of his superiors, a soldier's loyalty is to the welfare of his men and mission. While striving to carry out his mission, he will never allow his men to be misused in any way.
5. A soldier will never require his men to endure hardships or suffer dangers to which he is unwilling to expose himself. Every soldier must openly share the burden of risk and sacrifice to which his fellow soldiers are exposed.
6. A soldier is first and foremost a leader of men. He must lead his men by example and personal actions; he must always set the standard for personal bravery, courage, and leadership.
7. A soldier will never execute an order he regards to be morally wrong, and he will report all such orders, policies, or actions of which he is aware to appropriate authorities.
8. No soldier will ever willfully conceal any act of his superiors, subordinates, or peers that violates his sense of ethics. A soldier cannot avoid ethical judgments and must assume responsibility for them.

9. No soldier will punish, allow the punishment of, or in any way harm or discriminate against a subordinate or peer for telling the truth about any matter.

10. All soldiers are responsible for the actions of their comrades in arms. The unethical and dishonorable acts of one diminish us all. The honor of the military profession and military service is maintained by the acts of its members, and these actions must always be above reproach.

## APPENDIX B

### DEGEORGE'S PROPOSED CODE

1. I shall prefer peace to war, and realize that the military serves most effectively when it deters and so prevents war rather than when it engages in war.
2. I shall use the utmost restraint in the use of force, using only as much as necessary to fulfill my mission.
3. I shall obey all legitimate orders, but only legitimate orders.
4. I shall always remember that those beneath me are moral beings worthy of respect and I shall never command them to do what is immoral.
5. I am responsible for what I command and for how my orders are carried out.
6. I will never order those under me to do what I would not myself be willing to do in a like situation.

## APPENDIX C

### MARINE CORPS LEADERSHIP TRAITS AND PRINCIPLES

#### Traits

- |                  |                   |
|------------------|-------------------|
| 1. Bearing       | 8. Integrity      |
| 2. Courage       | 9. Judgment       |
| 3. Decisiveness  | 10. Justice       |
| 4. Dependability | 11. Knowledge     |
| 5. Endurance     | 12. Loyalty       |
| 6. Enthusiasm    | 13. Tact          |
| 7. Initiative    | 14. Unselfishness |

#### Principles

1. Know yourself and seek self improvement.
2. Seek responsibility and take responsibility for your actions.
3. Be technically and tactically proficient.
4. Develop a sense of responsibility among your subordinates.
5. Make sound and timely decisions.
6. Set the example.
7. Know your subordinates and look out for their welfare.
8. Keep your subordinates informed.
9. Ensure that tasks are understood, supervised and accomplished.
10. Train your subordinates as a team.
11. Employ your command according to its capabilities.

## APPENDIX D

### BAND OF BROTHERS PRINCIPLES

1. All Marines are entitled to dignity and respect as individuals but must abide by common standards established by proper authority.
2. A Marine should never lie, cheat, or steal from a fellow Marine or fail to come to his aid in time of need.
3. All Marines should contribute 100% of their abilities to the unit's mission any less effort by an individual passes the buck to someone else.
4. A unit, regardless of size, is a disciplined family structure with similar relationships based on mutual respect among members.
5. It is essential that issues and problems which tend to lessen a unit's effectiveness be addressed and resolved.
6. A blending of separate cultures, varying educational levels, and different social backgrounds is possible in an unselfish atmosphere of common goals, aspirations, and mutual understanding.
7. Being the best requires common effort, hard work, and teamwork, nothing worthwhile comes easy.
8. Every Marine deserves job satisfaction, equal consideration, and recognition of his accomplishments.
9. Knowing your fellow Marine well enables you to learn to look at things "through his eyes" as well as your own.
10. Issues detracting from the efficiency and sense of well-being of an individual should be surfaced and weighed against the impact on the unit as a whole.
11. It must be recognized that a brotherhood concept depends on all members "BELONGING"...being fully accepted by others within.

## APPENDIX E

### GENERAL JOHN A. LEJEUNE'S LEADERSHIP PHILOSOPHY

Comradeship and brotherhood. -- The world war wrought a great change in the relations between officers and enlisted men in the military services. A spirit of comradeship and brotherhood in arms came into being in the training camps and on the battlefields. This spirit is too fine a thing to be allowed to die. It must be fostered and kept alive and made the moving force in all Marine Corps organizations.

Teacher and scholar. -- The relation between officers and enlisted men should in no sense be that of superior and inferior nor that of master and servant, but rather that of teacher and scholar. In fact, it should partake of the nature of the relation between father and son, to the extent that officers, especially commanding officers, are responsible for the physical, mental, and moral welfare, as well as the discipline and military training of the young men under their command who are serving the nation in the Marine Corps.

The realization of this responsibility on the part of the officer is vital to the well-being of the Marine Corps. It is especially so, for the reason that so large a portion of the men enlisting are under twenty-one years of age. These men are in the formative period of their lives, and officers owe it to them, to their parents, and to the nation, that when discharged from the service they should be far better men physically, mentally, and morally than they were when they enlisted.

To accomplish this task successfully a constant effort must be made by all officers to fill each day with useful and interesting instruction and wholesome entertainment for the men. This effort must be intelligent and not perfunctory, the object being not only to do away with idleness, but to train and cultivate the bodies, the minds, and the spirits of our men.

**Love of corps and country.** -- To be specific, it will be necessary for officers to devote their close attention to the many questions affecting the comfort, health, military training and discipline of the men under their command, but also actively to promote athletics and to endeavor to enlist the interest of their men in building up and maintaining their bodies in the finest physical condition; to encourage them to enroll in the Marine Corps Institute and to keep up their studies after enrollment; and to make every effort by means of historical, educational and patriotic address to cultivate in their hearts a deep abiding love of the corps and country.

**Leadership.** -- Finally, it must be kept in mind that the American soldier responds quickly and readily to the exhibition of qualities of leadership on the part of his officers. Some of these qualities are industry, energy, initiative, determination, enthusiasm, firmness, kindness, justness, self-control, unselfishness, honor, and courage. Every officer should endeavor by all means in his power to make himself the possessor of these qualities and thereby to fit himself to be a real leader of men.

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